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### China Country Report on Human Rights Practices for 1997

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#### CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack the freedom to express peacefully opposition to the party-led political system and the right to change their national leaders or form of government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years. Economic decentralization has increased the authority of regional officials. The party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, party control of personnel and the security apparatus, and the greatly improved living standards of most of China's 1.2 billion citizens. The Constitution provides for an independent judiciary; however, in practice, the judicial system is subject to the "policy guidance" of the CCP.

The security apparatus is comprised of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

China has a mixed economy that continues to expand rapidly. Economic reforms are raising living standards for many, providing greater independence for entrepreneurs, diminishing state control over the economy and people's daily lives, and creating new economic opportunities. Despite economic difficulties in the state sector, individual economic opportunities continue to expand rapidly in nonstate sectors, resulting in increased freedom of employment and mobility. The Government continues to adopt market-based policies and both state-owned and nonstate enterprises are benefiting from freedom to compete in domestic and overseas markets. As economic opportunities grow the number of citizens living in absolute poverty continues to decline; estimates range from official figures of 58 million to estimates as high as 350 million. China faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. According to estimates, rural unemployment and underemployment range from 30 to 50 percent. During the year, the definition of employment was changed to working 5 or more hours per week from working 20 hours per week. Tens of millions of peasants have left their homes in search of better jobs and living conditions. According to estimates, as many as 100 million people make up this "floating population," with many major cities counting 1 million or more such people. Urban areas are also coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. Workers in Liaoning, Sichuan, Jiangsu, and other provinces increasingly organized public protests to press their demands.

There were positive steps in human rights, although serious problems remained. The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms stemming from the authorities' very limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights, but they are often ignored in practice.

Abuses included torture and mistreatment of prisoners, forced confessions, and arbitrary arrest and lengthy incommunicado detention. Prison conditions at many facilities remained harsh. The Government continued tight restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights. Discrimination against women, minorities, and the disabled, violence against women, prostitution, trafficking in women and children, and the abuse of children remain problems. The Government continued to restrict tightly worker rights. Serious human rights abuses persisted in minority areas, including Tibet and Xinjiang, where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified.

In 1997 the Government took several positive actions to address international concerns in the area of human rights. In October the Government signed the United Nations Covenant on Economic, Social and Cultural Rights and allowed the United Nations Working Group on Arbitrary Detention to visit China. The Government also significantly expanded its dialog on human rights with a number of foreign interlocutors.

The Government's response to dissent was also somewhat more tolerant than in recent years. Although authorities continued to use repressive measures such as intimidation, administrative detention, imposition of prison terms, house arrest or exile to control tightly dissent, the Government exhibited some limited tolerance of public expressions of opposition to government policies and calls for political reform. During the year, a number of dissidents, academics, and former officials issued public statements, letters or petitions challenging the Government's policies or advocating political reform. Some, including Fang Jue, Shang Dewen, and Lin Mu had no action taken against them. Others, including Bao Ge, Qin Yongmin, and Shen Liangqing were harassed, arrested or rearrested, left the country under pressure, or were subjected to stricter forms of house arrest, as in the past.

China also released a few political prisoners on medical parole or before their terms were over. Prominent dissident and democracy activist Wei Jingsheng was released from prison in November on medical parole and allowed to travel abroad for medical treatment. Journalists Xi Yang and Zhao Lei, and labor activists Tang Yuanjuan, Li Wei, and Zhou Guoqiang also were released before the end of their prison terms. However, thousands of others, including Wang Dan, Liu Nianchun, Gao Yu, Pastor Xu Yongze, Bishop Zeng Jingmu, Chadrel Rinpoche, and Ngawang Choephel remained in prison for the peaceful expression of their political, social or religious views and/or "counterrevolutionary" offenses despite official denials that China holds political prisoners. Some of those who completed their sentences and were released from prison were kept under tight surveillance and prevented from taking employment or otherwise resuming a normal life. Others were released from prison at the completion of their sentences and subsequently allowed to leave China, including Tong Yi and Zhang Lin.

China made progress in legal reform efforts in 1997. The judicial system continues to deny defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to implementing and enforcing legal norms. The Government, however, continued to take positive steps to strengthen its legal system by enacting and implementing new legislation. Legislation passed in recent years includes laws with a potential impact on citizens' rights--e.g., the Administrative Procedure Law, Lawyers Law, State Compensation Law, Prison Law, and Criminal Law--if they are enforced effectively. The Government has initiated efforts to educate lawyers, judges, prosecutors, and the public on the provisions of the new laws. China also has expanded its efforts to increase bilateral and multilateral cooperation in the field of law. For example, President Jiang agreed to increase such cooperation in October.

The revised Criminal Procedure Law, which came into effect on January 1, provided for the defendant's right to legal counsel, an active legal defense, and other rights of criminal defendants recognized in international human rights instruments. If fully implemented, the law would bring China's criminal law closer toward compliance with international norms.

Nonapproved religious groups, including Protestant and Catholic groups, experienced varying degrees of official interference and repression as the Government continued to enforce 1994 State Council regulations requiring all religious organizations to register with the Government and come under the supervision of official, "patriotic" religious organizations. There was evidence that authorities in some

areas, guided by national policy, made strong efforts to control the activities of unapproved Catholic and Protestant churches, and some church leaders or adherents were arrested or remained in detention or prison because of their religious activities. In other regions, registered and unregistered churches are treated similarly by the authorities and congregants worship in both types of churches. Despite this pressure, the number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. Citizens worshipping in officially sanctioned churches, mosques, and temples reported little or no day-to-day interference by the Government. The Government estimates that China has 4 million registered Catholics, 10 to 15 million registered Protestants, and 18 million Moslems. They worship in some 12,000 churches and 30,000 mosques. Nongovernmental estimates indicate that as many as 30 million Christians worship privately in house churches that are not registered with the Government. The Government released a white paper on religion in October, which defended government practices and stated that citizens' rights should conform to international conventions.

Chinese society continued to become more open and to diversify at a rapid pace. New social groups with economic resources at their disposal have arisen and started to play a role in community life. Although citizens still do not have the right to change their national leaders or form of government, several hundred million Chinese have participated in the Government's village elections program, which allowed basic democratic expression in multicandidate elections for nongovernmental local village committees. Satellite television broadcasts are widely available, particularly in coastal provinces, despite the Government's efforts to regulate the sale and use of satellite dishes. Cable television also is available in many cities, including access to global news networks. Increasing numbers of citizens have access to the Internet although the Government continued efforts to control the content of material available on the Internet. Average citizens go about their daily lives with more personal freedom than ever before. They also continued to enjoy a higher disposable income, looser economic controls, greater freedom of movement, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, those Chinese who seek to express openly dissenting political and religious views still live in an environment filled with repression.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were reports of a number of extrajudicial killings related to separatist activity in the Xinjiang region. In February police dispersed a crowd of women in Yining during the Ramadan Festival. In subsequent protests of this action, police killed at least 10, and perhaps as many as 70, Uyghur demonstrators. On April 24, in Yining security forces killed two protesters when they opened fire on a crowd that had surrounded a bus carrying individuals convicted of involvement in the February riots.

There is no reliable information about the number of extrajudicial killings nationwide. There continued to be numerous executions carried out after summary trials. These trials can occur under circumstances where the lack of due process protections borders on extrajudicial killing (see Section 1.e.).

In December 1996, the official press reported that four policemen in Zhejiang province were sentenced to up to 11 years in jail for torturing a bank robbery suspect to death.

Xinjiang separatist groups also committed killings. On February 25, three bombs exploded on buses in the regional capital of Urumqi killing nine persons. Several people were killed on March 7 when a bomb linked to Uyghur separatists exploded aboard a bus in one of Beijing's busiest shopping districts. There were also reports in September that nine officials in Xinjiang were killed in antigovernment attacks.

#### **b. Disappearance**

There were no new reports of disappearances. The Government, however, still has not provided a comprehensive, credible accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations. Long incommunicado detentions continued (see Section 1.d.).

although there were fewer reports than in 1996.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, both official Chinese sources and international human rights groups reported cases in which police and other elements of the security apparatus employed torture or degrading treatment in dealing with detainees and prisoners. Former detainees have credibly reported that officials used electric shocks, prolonged periods of solitary confinement and incommunicado detention, beatings, shackles, and other forms of abuse against detained men and women. Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system, many of which were addressed by amendments to the Criminal Procedure Law, which became effective on January 1.

In May prison officials placed labor activist Liu Nianchun in solitary confinement for 10 days and beat him with an electric baton to punish him for refusing food. Liu had started a hunger strike to protest beatings by prison guards who wanted him to renounce his antigovernment views. Wei Jingsheng reported that he was beaten by fellow inmates with the encouragement of prison authorities and that the inmate who instigated these attacks was rewarded with a reduced sentence. In the months before his November release, Wei was under 24-hour surveillance in a lighted, glass-walled cell. He was denied reading material. Relatives and friends of evangelist Xu Yongze reported in March that he and other detainees with him were beaten by Henan authorities.

The Government has stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." The official media reports on torture cases, but many are believed to go unreported. One central government prosecutor reported to a visiting delegation that his office investigated hundreds of cases a year of alleged torture by security personnel. On February 21, the Jilin Provincial People's Procuratorate reported that it had investigated 34 cases of "extorting confession by torture" during the previous year in that province alone. In December 1996, four policemen received sentences of up to 11 years for torturing a suspect to death (see Section 1.a.). According to the Supreme People's Procuratorate, 5,214 cases of "unethical activities" by policemen were investigated between 1988 and mid-1996. The Government has provided no information on convictions and punishment in these cases.

Conditions in penal institutions for both political prisoners and common criminals are generally harsh, and frequently degrading. China's 1994 Prison Law was designed, in part, to improve treatment of detainees and respect for their legal rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. According to credible sources, persons held in new "model" prisons receive better treatment than those held in other prison facilities.

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions can be grim. Political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included Wang Dan, Liu Nianchun, Zhou Guoqiang, Gao Yu, Bishop Zeng Jingmu, Chen Lantao, and Wei Jingsheng. According to one credible report, there have been instances where women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions (see Section 1.f.).

The Government does not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. However, the Government took several steps toward greater transparency in the prison system. A delegation of the United Nations Working Group on Arbitrary Detention visited China for 10 days in October. The group visited prisons and reeducation-through-labor camps in Beijing, Shanghai, Chengdu, and Tibet. The Government allowed the U.N. team to choose at random some of the prisoners interviewed at each facility. Interviews with certain prisoners were conducted without the presence of Chinese officials. Talks between the Government and the International Committee of the Red Cross (ICRC) on prison

visits resumed in June. By year's end, no agreement had been reached. Finally, the Government resumed cooperation with a prominent foreign businessman/human rights activist on prisoner accounting, and the Ministry of Justice provided him with information on more than 11 cases by year's end.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The amendments to the Criminal Procedure Law, which came into effect on January 1, represented a significant improvement in the laws governing arrest and detention. Among other things, the amendments provide for earlier and greater access for defendants to legal counsel and the abolition of a 1983 regulation that allowed summary trials in certain cases involving the death penalty. Under the old system, defendants were not allowed to hire a lawyer until 7 days before trial, usually precluding the possibility of mounting an effective defense. The amended law gives suspects the right to seek legal counsel from the time of their initial detention and interrogation. The Government has initiated efforts to educate lawyers, judges, prosecutors, and the public in the provisions of the new law and has undertaken a well-publicized effort to establish legal aid centers for indigent defendants. Anecdotal evidence suggested, however, that in some cases implementing regulations promulgated by the Public Security Ministry, Ministry of Justice, Supreme People's Procuratorate, and Supreme People's Court have resulted in contradictory and incomplete implementation of the new amendments.

Despite these reforms, the Criminal Procedure Law still would fall short of international standards in many respects if fully implemented. While an often criticized form of administrative detention known as "shelter and investigation" that allowed police to detain suspects for extended periods without charge was abolished, police can still detain a person for up to 14 or 37 days, depending on the nature of his alleged offense before formally placing him under arrest. Once a suspect is arrested, the revised law still allows police and prosecutors to detain him for months before trial while a case is being "further investigated." On June 3, a court in Shenzhen finally sentenced labor activists Li Wenming and Guo Baosheng to 3? years in prison for "conspiring to subvert the Government." Li and Guo had already spent more than 3 years in jail without sentencing. Both Li and Guo were released in late 1997 at the completion of their terms (see Section 6.a.). Two foreigners remained in jail, without either a verdict or a sentence, over a year after their trials were concluded, despite many interventions on their behalf by their government.

Under the revised Criminal Procedures Law, detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody. The law provides that if the people's courts, people's procuratorates, and public security organs decide to allow a criminal suspect or defendant to obtain a guarantor and await trial out of custody, they should order the suspect or defendant to name a guarantor or pay bail. The law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. In practice, however, timely notification remains a serious problem. Under a sweeping exception to the law, officials need not provide notification if it would "hinder the investigation" of a case.

In theory, the Administrative Procedure Law of 1994 permits a detainee to challenge the legality of detention. In the past, however, lack of timely access to legal counsel inhibited the effective use of this law. The expanded rights to a lawyer provided for in the amendments to the Criminal Procedure Law are designed to improve this situation. In addition, the State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although the majority of citizens apparently remain unaware of this 1995 law, there is evidence that it is having some limited impact. The Supreme People's Procuratorate reported on March 11, that in 1996 it had investigated 379 criminal compensation claims, reached a conclusion in 110 cases, and awarded compensation in 44 cases.

Because the Government tightly controls information, it is impossible to accurately determine the total number of people subjected to new or continued arbitrary arrest or detention but estimates are in the thousands. The Supreme People's Procuratorate reported in March that it had reversed 570 "incorrect arrest decisions" in the previous year. The Jilin Provincial People's Procuratorate report of February 21 said that the office had investigated 80 cases of illegal detention during the previous year in that

province alone. There are documented cases where local officials and business leaders illegally conspired to use detention as a means of exerting pressure in commercial disputes involving Chinese and foreign businessmen. There were other cases where foreign businessmen had their passports confiscated during such disputes.

A major shortcoming of the recent amendments to the Criminal Procedure Law is that they do not affect the reeducation-through-labor system, which permits authorities to sentence detainees to terms of 1 to 3 years in labor camps without trial. The Labor Reeducation Committee, which determines the term of detention, may extend an inmate's sentence for an additional year. Wang Ming, a democracy activist in Sichuan who had called for the release of Wei Jingsheng, was sentenced in January to 3 years of reeducation through labor. Activist Liu Huanwen was also sentenced to 3 years of reeducation through labor on April 7. Catholic Bishop Zeng Jingmu, Chen Longde, Hu Kesi and other dissidents remained in labor camps. The sentences of Liu Nianchun and Zhou Guoqiang's were extended 6 days for every month remaining in their sentences for refusing to prepare written confessions. In December, however, the Ministry of Justice reversed the decision to extend their sentences, and Zhou was released in January 1998.

Authorities continued the practice of detaining or tightening control over political and labor activists or inviting them to take "vacations" at "sensitive" times during the year, but there were fewer reports of this practice than in 1996. Shen Liangqing was picked up by police officers at his home in Anhui province days before the opening of the 15th Chinese Communist Party Congress. Shen had coauthored an open letter to President Jiang Zemin and other senior leaders demanding justice for "oppressed workers" after reported police suppression of labor unrest in Sichuan's Mianyang city in July. Dissidents in Beijing were reportedly warned against causing trouble during the August visit of a high ranking foreign official. The Government also stepped up surveillance on family members of leading dissidents during the October visit of the U.N. Working Group on Arbitrary Detention. At year's end, the authorities continued to detain citizens for political reasons (see Section 1.e.).

The Government continued to refuse reentry into China by dissidents and activists (see Section 2.d.), but there were no reports of the Government forcibly exiling citizens. However, the Government's denial of permission to some former reeducation-through-labor camp inmates to return to their homes constitutes a form of internal exile (see Section 2.d.).

#### e. Denial of Fair Public Trial

The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently. However, in practice, the judiciary is subject to policy guidance from the Government and the Chinese Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences in politically sensitive cases. Corruption and conflicts of interest also affect judicial decisionmaking.

The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. Judges are appointed by the people's congresses at the corresponding level. There are special courts for handling military, maritime, and railway transport cases.

Officials often have ignored the due process provisions of the law and of the Constitution. For example, authorities can subject prisoners to severe psychological pressure to confess, and coerced confessions are frequently introduced as evidence. Ki Hiu-wai, an accused drug smuggler, was reportedly interrogated for 50 straight hours in July before agreeing to sign a confession. Defendants who fail to show the correct attitude by confessing their crimes are typically sentenced more harshly. The conviction rate is over 90 percent. There is an appeals process, but appeals generally do not reverse verdicts. The law requires that all trials be held in public, but a 1988 law on state secrets provides for an exception in cases involving state secrets. This provision has been used to keep proceedings closed to the public and, in some cases, even family members in sensitive cases. Pastor Xu Yongze's family received no notification of his mid-1997 trial.

The revised Criminal Procedure Law is designed to address many of these deficiencies and give defense lawyers a greater ability to argue their clients' cases, in order to change the practice of holding trials that are essentially sentencing hearings. The new amendments abolish the form of pretrial detention called "shelter and investigation," expand the right to counsel, put limits on nonjudicial determinations of guilt, and establish a more transparent, adversarial trial process. Coerced confessions are expressly forbidden, although there is still no law barring coerced confessions from being introduced into evidence. The amendments do not, however, bring China into full compliance with international standards. For example, in "state secrets" cases the revised Criminal Procedures Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated. The definition of state secrets is broad and vague and subject to independent interpretation by police, prosecutors, and judges at different stages in a criminal case. Uncertainty regarding the scope and application of this statute has created concern about a detainee's right to legal assistance.

In what may turn out to be a landmark case in Chinese legal history, in June a court in Jilin province overturned the convictions of four dissidents connected to the Tiananmen protests of 1989, marking the first time a conviction for counterrevolutionary crimes has been reversed. Tang Yuanjuan and Li Wei, who were still in prison at the time they won their appeal, were released.

China's first Lawyers' Law, designed to professionalize the legal profession, took effect January 1996. Accordingly, the Ministry of Justice drafted relevant regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The new law recognized for the first time that lawyers represent their clients, not the State. The bill also granted lawyers formal permission to establish law firms, established educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the disciplining of lawyers. Government officials state that there is an insufficient number of lawyers to meet the country's growing needs. A key element in Justice Ministry efforts to encourage legal reform is a plan to have 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by the year 2000. Minister of Justice Xiao Yang stated in December that China currently has 114,000 lawyers, 18,000 notarial personnel, and more than 8,300 law offices. Lawyers are organizing private law firms outside the framework of established government legal offices that are self-regulating and do not have their personnel or budgets determined directly by the State.

During the first half of the year, attorneys handled 115,000 legal aid cases in six provinces and municipalities, including Shanghai and Guangdong. In the past, however, defendants have frequently found it difficult to find an attorney willing to handle sensitive political and religious cases. It is unclear to what extent government reform efforts and new legislation are changing the past practice of authorities revoking the licenses of lawyers representing political defendants. Government-employed lawyers still depend on an official work unit for employment, housing, and other benefits and therefore many may be reluctant to be seen as overzealous in representing politically sensitive defendants.

The effects of the lack of due process are particularly egregious in death penalty cases. A 1995 law raised the number of capital offenses from 26 to 65, and included financial crimes such as counterfeiting currency, passing fake negotiable notes and letters of credit, and illegal "pooling" of funds. In May 1996, the Supreme Court ruled that crimes resulting in death should be punished by death regardless of extenuating circumstances. Amnesty International (AI) reported in August, based on a review of Chinese press accounts, that in 1996 China sentenced more than 6,100 convicts to death and carried out 4,367 executions. More summary executions were reported as officials continued to promote the "strike-hard," national anticrime campaign. A high court nominally reviews all death sentences, but the time between arrest and execution is often days, and reviews have consistently resulted in a confirmation of sentence. The AI report included one case in which a man was convicted on May 13, 1996 and executed on May 19, 1996. According to a Chinese newspaper, the Shijiazhuang Intermediate People's Court held a public sentencing on June 26, at which seven previously convicted criminals were given the death penalty. The convicts were "escorted to the execution ground and executed by shooting after the meeting." No executions for political offenses are known to have occurred in 1997.

In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs

for transplant, but maintain that consent is required from prisoners or their relatives before organs are removed. There is no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed.

Government officials deny that China holds any political prisoners, asserting that authorities detain persons not for the political or religious views that they hold, but because they violate the Criminal Law. However, the authorities continue to confine citizens for political and religious reasons. It is estimated that thousands of political prisoners remain imprisoned or detained. Vice Minister of Justice Zhang Xiufu told a press conference on May 30 that there were 2,026 prisoners in China jailed for "counterrevolutionary crimes," a charge often lodged in the past against political dissidents. Thousands more were charged with criminal offenses, detained but not charged, or sentenced in an extrajudicial process to 1- to 3-years in reeducation-through-labor camps.

Defendants are legally entitled to challenge reeducation-through-labor sentences under the Administrative Procedures Law. Some persons have gained a reduction in, or suspension of, their sentences after reconsideration or appeal, but problems such as short appeal times and inadequate legal counsel weaken the effectiveness of the law in preventing or reversing arbitrary decisions. Few appeals are successful. Liu Xiaobo's appeal was rejected in March.

The new Criminal Law, which came into effect in October, replaced "counterrevolutionary" offenses with provisions barring "treasonous acts designed to threaten national security." Crimes that threaten national security are loosely defined and some observers think they will be used to punish the same "crimes" covered under the counterrevolutionary laws. Before this new law became effective, political dissidents Wei Jingsheng and Wang Dan were both sentenced for "conspiracy to overthrow the government" to 14 years and 11 years respectively. Labor activists Li Wenming and Guo Baosheng, who had been detained since 1994, were given lighter sentences than the legally prescribed minimum for the charge of subversion when their sentences were handed down in May, 6 months after their trial. They were released in late 1997. Those charged with counterrevolutionary crimes continue to serve their sentences.

The Government released early certain prisoners detained for their political or religious beliefs, including Xi Yang, Zhao Lei, Zhou Guoqiang, and Yu Zhenbin. Other prisoners were released in 1997 upon completion of their sentences, including Zhang Lin and Bao Ge. Bao Tong was released from house arrest, although forced to give up his government quarters in Beijing and move with his family to an apartment in the suburbs, where he remains closely monitored. Many others, including Liu Nianchun, Liu Xiaobo, Li Hai, Bishop Zeng Jingmu, Ngawang Choephel, and Ngawang Sandrol (see Tibet Addendum) remained imprisoned or under other forms of detention during the year. Chen Ziming remained under house arrest at year's end.

Criminal punishments can include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied rights of free speech and association. Former prisoners often also find their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners to some extent in recent years. Former political prisoners and their families, however, are frequently subjected to police surveillance, phone taps, searches, and other forms of harassment, and also may encounter difficulty in obtaining or keeping employment and housing. Chinese security personnel are posted at the homes of and follow the close relatives of prominent dissidents such as Wang Dan and Chen Ziming, particularly during sensitive periods. On occasion, Chen Ziming's wife was followed by 10 or more Public Security Bureau personnel on motorbikes or in cars. Dissidents Xu Shuiliang, Bao Ge, and others were prevented from taking employment following their releases and were under constant surveillance. Bao Ge's mother sent an open letter to President Jiang Zemin in September, pleading for an end to the police and municipal government harassment that had made it impossible for Bao Ge to find a job after his release from a labor camp in June. Fearing rearrest, Bao Ge left China in October. Government harassment has prevented relatives of Chen Ziming, Liu Nianchun, Qin Yongmin, and other dissidents from obtaining and keeping steady employment.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

Government interference in daily personal and family life continues to decline for the average Chinese citizen. In urban areas, most people still depend on government-linked work units for housing, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which were originally charged with monitoring activities and attitudes, have become less important as means of social or political control. Political "study sessions," meant to instill in all citizens a common, party-approved political line, no longer play a meaningful role in shaping attitudes and are infrequent, if at all. Work units reportedly have refused to cooperate with police requests to provide detention for offenders.

However, despite legal protections, authorities often do not respect the privacy of citizens in practice. Although the law requires warrants before security forces can search premises, this provision can be ignored by authorities; moreover, the Public Security Bureau and the procuratorate can issue search warrants on their own authority. The Constitution states that "freedom and privacy of correspondence of citizens are protected by law." In practice, however, authorities often monitor telephone conversations, fax transmissions, electronic mail, and Internet communications of foreign visitors, businessmen, diplomats, and journalists, as well as Chinese dissidents, activists, and others. Authorities also open and censor domestic and international mail. In November 1996, Han Chunsheng, a Voice of America (VOA) listener who allegedly sent over 20 letters critical of China to the VOA mailbox in Beijing between the summer of 1995 and May 1996, was sentenced to 8 years' imprisonment on the charge of counterrevolutionary incitement and propaganda. Around mid-year, Wang Dan's family stopped receiving foreign mail. Government security organs monitor and sometimes restrict contact between foreigners and citizens. Rules implementing the State Security Law define as a violation of the law "activities of individuals outside the country (including non-Chinese citizens resident in China) who disregard dissuasion and meet with personnel in the country who have endangered state security or who are seriously suspected of endangering state security." Dissidents are routinely warned not to speak with the foreign press.

The Government encouraged expansion of Internet and other communications infrastructure. Internet use among Chinese is expanding exponentially, creating a potentially powerful channel of information to the computer-literate. Estimates of the number of Chinese connected to the Internet vary from 200,000 to over 600,000, although the majority of users are on e-mail only accounts. Chinese authorities continue to try to control Internet content by blocking politically sensitive web sites, including those of some major foreign news organizations and dissident groups. A number of human rights web pages are, however, accessible, including that of the Tibet government-in-exile. The Government's efforts to block content and control usage have limited effectiveness because users can easily use browser "proxies" to bypass site blocking. E-mail and e-mail publications are more difficult to block, and there is no indication that the Government has attempted to do so. Chinese dissident groups abroad have successfully used e-mail to send publications to readers in China. In May the State Council issued regulations requiring those involved in international networking to apply for licenses and provide details regarding the scope and nature of their activities. In December the State Council promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and "incite division of the country, harming national unification." The regulations, which came into effect on December 30, provide for fines and other unspecified punishments to deal with violators.

The authorities continue to jam VOA broadcasts, but the effectiveness of this interference varies considerably by region, with audible signals of VOA and other short-wave broadcasters reaching most parts of China, including the capital. Radio Free Asia began operation in Chinese and Tibetan in 1996. In August monitors in Beijing and Hong Kong reported that for the first time some Radio Free Asia transmissions in Mandarin were being jammed.

The Government continued to implement comprehensive and often intrusive family planning policies. The State Family Planning Commission formulates and implements policies with assistance from the Family Planning Association, which has 83 million members in 1.02 million branches. Chinese demographers at an October conference predicted that the population would reach almost 1.56 billion in

the year 2044 if the current fertility rate continued. Most estimated fertility at 2.1 births per woman indicating that the "one-child policy" is not applied to the majority of Chinese couples. Couples in urban areas are most affected, seldom receiving permission to have more than one child, although the Government maintains that urban couples who themselves were only children may now receive permission to have two children. Outside the cities, exceptions to the "one-child policy" are becoming the norm. The average number of children per family in rural areas, where 70 percent of the people live, is slightly over two. In rural areas, couples are allowed to have a second child if the first is a girl, an exception that takes into account both the demands of farm labor and the traditional preference for boys. Some ethnic minorities, such as Muslim Uyghurs and Tibetans, are subject to less stringent population controls. Minorities in some rural areas are permitted to have as many as four children. In remote areas, such as rural Tibet, there are no effective limits at all.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. Rewards for couples who adhere to the policy include monthly stipends and preferential medical and educational benefits. Disciplinary measures against those who violate the policy can include fines, withholding of social services, demotion, and other administrative punishments that sometimes result in loss of employment. Penalties for excess births can also be levied against local officials and the mothers' work units, thus creating multiple sources of pressure. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission 1996 family planning manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Fujian, the standard fine has been calculated to be twice a family's gross annual income; additional, unauthorized births incur fines assessed in increments of 50 percent per child. In Guangzhou the standard fine is calculated to be 30 to 50 percent of 7 years' income for the average resident. In some cases a "social compensation fee" is also imposed. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local officials. Central government officials acknowledge that such incidents occur, but insist that cases like these are neither the norm nor in line with official policy; they attribute such behavior to ignorance or "unsophisticated thinking" on the part of local officials. In September several dozen people in the town of Changbo, Guangdong province, reportedly clashed with local police because they blamed the death of a village woman on an intrauterine device that had been inserted as part of the official family planning program. Several hundred peasants in Gaozhou city, Guangdong province, and neighboring villages staged protests in September against fines imposed by the local government for family planning violations.

The Government prohibits the use of force to compel persons to submit to abortion or sterilization, but poor supervision of local officials who are under intense pressure to meet family planning targets can result in instances of abuse, including forced abortion and sterilization. During an unauthorized pregnancy, a woman is often visited by family planning agents and pressured to terminate the pregnancy. There were credible reports in 1996 that several women were forced to undergo abortions of unauthorized pregnancies in Fujian. Officials maintain that, when discovered, those responsible for such coercion are disciplined and undergo retraining, but they have not provided any data or examples that confirm this assertion. Individuals also can sue officials who exceed their authority in implementing family planning policy, and there are instances where individuals have exercised this right. The Chinese press reported in November a case in Yongshan township, Jiangxi province, in which a 15-year-old girl and her mother took local authorities to court for forcing the girl to undergo a pregnancy test. Citing the girl's "psychological and economic losses," the court ordered the Yongshan township government to make a formal apology to the girl and pay her \$323 in compensation. Not satisfied with the judgment, the girl's family said that it would file an appeal to seek higher compensation. According to one credible report, some women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions, despite the official prohibition on forced abortion.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, some families have used ultrasound to identify female fetuses. Use of ultrasound for this purpose is specifically prohibited by the Maternal and Child Health Care Law, which calls for punishment of medical practitioners who violate this provision. According to the State Family Planning Commission, a handful of doctors have been charged under this law. The Chinese press has reported that the national ratio of male to female births is 114 to

100; in September the World Health Organization estimated the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female. Official statistics may exclude many female births, especially the second or third in a family. Such births are unreported so that the parents can keep trying to conceive a boy. These statistics also probably reflect, however, the abuse of sonography and the termination of pregnancies based on the sex of the fetus. Female infanticide, abandonment, or neglect of baby girls may also be a factor in some areas.

The Maternal and Child Health Care Law, which came into effect in 1995, calls for premarital and prenatal examinations to determine whether couples have acute infectious diseases, certain mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health, not the State Family Planning Commission, implements the law, which mandates abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent to such procedures (see Section 5). At least five provincial governments have implemented local regulations seeking to prevent people with severe mental disabilities from having children.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the Constitution states that freedom of speech and freedom of the press are fundamental rights enjoyed by all citizens, the Government interprets the Communist Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic Communist Party doctrine. The party and Government continue to control tightly print and broadcast media and use them to propagate the current ideological line. There are 10,000 openly distributed publications in China, including 2,200 newspapers. During the year, the Central Propaganda Department instructed all provinces and municipalities to set up a special team to review publications. All media employees are under explicit, public orders to follow CCP directives, and "guide public opinion" as directed by political authorities. Both formal and informal guidelines continue to require reporters to avoid coverage of sensitive subjects and negative news. Journalists also must protect state secrets in accordance with the State Security Law (see Section 1.e.). These public orders, guidelines, and laws greatly restrict the freedom of broadcast journalists and newspapers to report the news and leads to a high degree of self-censorship. In October leading dailies in China carried a translation of a major policy speech by a foreign official; however, a lengthy section on human rights was dropped from the translation.

In January the State Council issued new regulations governing the publishing industry that provided for citizens' rights to "freely express their view on state affairs and publish academic and literary works" but stipulated that people cannot publish any material that is contrary to the Constitution, reveals state secrets, endangers the national security, or harms the country. The effect of these regulations at year's end was unclear.

In September President Jiang called for increased supervision over the media and the arts to check the spread of "decadent ideas." On October 1, regulations banning foreign ownership or management of theaters, music halls, radio stations, networks, production studios, booking agencies, and publishing and printing enterprises went into effect. Foreign films face strict quotas and censorship.

During the year, a number of Chinese spoke out publicly to criticize the Government or express views contrary to the official line. The Government's response to these dissenters varied, but, overall, was somewhat more tolerant than in recent years. Zhang Lin, who was released from prison in June and subsequently co-authored an open letter to Jiang Zemin calling for better treatment of "oppressed workers," was granted a passport and allowed to leave the country. The other co-author of the letter, Shen Liangqiang was briefly detained. After his release in June, democracy activist Bao Ge publicly lobbied the Government in support of a series of controversial causes, including war reparations from Japan, reassessment of the Tiananmen incident, and the cremation of Mao's corpse. Bao also filed a case in the Shanghai courts arguing that his rights had been violated during his 3 years in a labor camp because prison administrators had denied him writing materials and access to visitors. Bao was allowed

to carry out these activities under tight surveillance for several months until the eve of the Communist Party Congress in September, when public security officials beat and briefly detained him. Fearing rearrest, Bao Ge left China in October. Lin Mu, the secretary of the late Communist Party leader Hu Yaobang, in September sent an open letter to the 15th Party Congress calling for a reassessment of the Tiananmen Square Massacre. No action was taken against him. A former party leader reportedly approved sending a letter on political issues under his name to party leaders; as a result, the conditions of his house arrest were tightened.

There were other calls from those "within the system" for greater political reform. In August Beijing University Professor Shang Dewen publicly advocated a 25-year program of political reform that would include the phased adoption of direct elections for senior government officials, a directly elected parliament, an independent judiciary, and a free press. In a September speech before the foreign press corps, author Wang Shan called on the Government to ease controls on the news media. A new book of essays by senior academics, entitled "A Critical Moment," called for direct elections of leaders "when conditions are ripe." Beijing intellectual Fang Jue published and disseminated an article advocating elections, freedom of press, and faster economic reforms. These authors were not punished or harassed by the Chinese authorities. Since the release of Wei Jingsheng in November, there were more demands for legal and political reform and a review of the Tiananmen Incident. In private conversations among family and friends, citizens generally feel freer than in the past to express personal views on politics, even if those views are critical of the Government.

The Government continued, however, to control tightly dissenting views and punish those who voiced such views when it felt that its authority was directly challenged or that social stability was threatened. Shen Liangqing, who was released from a labor camp in June, was briefly detained in Anhui province in September after sending an open letter to Chinese leaders demanding justice for oppressed workers and action against corrupt officials. Shen also had written a series of letters calling for the release of Wang Dan and Wei Jingsheng. During the 15th Communist Party Congress, authorities censored editions of the International Herald Tribune that carried a photograph of police arresting a protester outside the Great Hall of the People where the Congress was taking place. The state-owned media also blocked at least one foreign news report showing footage of then party secretary Zhao Ziyang addressing student protesters in Tiananmen Square during the 1989 protests.

The Government initially denied but subsequently issued a visa to a foreign journalist who had written stories critical of the country. Reporters were subjected to surveillance and, on occasion, harassment. A German journalist was held for several days under loose house arrest in a hotel in Anhui province for conducting an "illegal interview" with the younger brother of Wei Jingsheng. He subsequently resumed his journalistic activities in China.

Despite these government controls, uncontrolled information about the nation and the world is flowing into the country at an increasing rate. Residents in Guangdong and other parts of southern China have access to Hong Kong television programs and newspapers. Throughout China, a lively tabloid sector continues to flourish. Radio talk shows remain popular, and, while avoiding politically sensitive subjects, they provide opportunities for citizens to air grievances about public issues. Despite licensing requirements, a small but rapidly growing segment of the population has access to satellite television broadcasts and most sites on the Internet. Most citizens have the means to own and use short-wave radios, and the Government does not place any restrictions on their use.

Fierce competition and dwindling government subsidies have increased opportunities for private publishers and booksellers, but the Government continued efforts to control the production and dissemination of publications. Despite efforts to limit the number of books published by controlling book registration numbers issued to officially approved publishing houses, books continued to be published through unsanctioned channels.

The Government continues to impose ideological controls on political discourse at colleges, universities, and research institutes. In June, just prior to the Tiananmen anniversary, academics in Beijing were required to inform police in advance if they planned to hold conferences attended by more than 20 people in or out of the capital. Academic discussions are often unrestricted but scholars and researchers

report varying degrees of control regarding the issues that they may examine and the conclusions that they may draw. Censorship of written material comes at the time of publication, or when intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercise self-censorship. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, but the Government severely restricts this right in practice. The Constitution provides, for example, that such activities may not challenge "party leadership" or infringe upon the "interests of the State." Protests against the political system or its leaders are prohibited. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissenting political views. In March Beijing police arrested a man for distributing leaflets about Tiananmen Square that demanded a government apology for the violent suppression of the 1989 student demonstrations. At least eight protesters were picked up by police in Tiananmen Square during the 15th Party Congress. Police reportedly suppressed large-scale labor demonstrations in several provinces, including Sichuan. Estimates of the number of protesters in Mianyang, Sichuan, ranged from several hundred to several thousand. Approximately 1,000 rickshaw drivers in Zigong, Sichuan, protested in December (see Section 6.a.). In May security officials in a major northeastern city responded to worker unrest by issuing a public notice banning all demonstrations.

The Government, however, showed greater tolerance in a number of instances of peaceful, public protest. In September the wife of jailed labor activist Liu Nianchun unfurled a protest banner in front of the Justice Ministry, demanding her husband's release on medical parole. Officials listened to her case and promised an investigation. There are credible reports that small, peaceful protests that do not challenge the regime occur daily across the country. Demonstrators frequently gathered at the front gate of the State Family Planning Commission building and were left alone by police as long as they remained peaceful. Protests on a wide range of issues occur at the Beijing city government headquarters every week or two.

The Constitution provides for freedom of association, however, the Government restricts this right in practice. Communist Party regulations require that all professional and social organizations officially register and be approved. Ostensibly aimed at secret societies and criminal gangs, these regulations also deter the formation of political, religious, and labor organizations that directly challenge government authority.

Nevertheless, there are 1,500 national-level quasi-nongovernmental organizations and 200,000 similar lower level organizations registered with the Ministry of Civil Affairs. Although these organizations all come under some degree of government control, they are nonetheless increasingly able to develop their own agendas. The number of such organizations and the scope of their activities are growing rapidly. Many have support from foreign secular and religious nongovernmental organizations. Some seek advocacy roles in public interest areas such as women's issues, the environment, and consumer rights. Before he fled China in October, Bao Ge joined with journalist Feng Yingzi, a member of the Shanghai Chinese People's Political Consultative Conference Standing Committee, to form a group to demand war reparations from Japan. The two wrote a letter in August to the Ministry of Civil Affairs seeking registration of their new organization.

#### c. Freedom of Religion

The Constitution provides for freedom of religious belief. Although there is no comprehensive legislation governing religious affairs, the Criminal Law states that government employees who illegally deprive citizens of this right may, if the case is serious, be sentenced to up to 2 years in prison. There are no known reports of persons being punished under this law. The Government, however, seeks to restrict religious practice to government-controlled and -sanctioned religious organizations and registered places of worship.

The State Council is responsible for monitoring religious activity. During the year, the Government

continued a national campaign to enforce 1994 State Council regulations that require all religious groups to register with government religious affairs bureaus and come under the supervision of official "patriotic" religious organizations. Some religious groups were subjected to increased restrictions, although the degree of restrictions varied significantly from region to region and the number of religious adherents, in both unregistered and registered churches, continued to grow rapidly.

In certain regions, government supervision appears to have loosened, but local implementing regulations, such as those for Shanghai, Chongqing, and Guangxi, call for strict government oversight. In some parts of the country registered and unregistered churches are treated similarly by authorities and congregants worship in both types of churches. In other areas, particularly in regions where considerable unofficial and unregistered religious activity has taken place, authorities closely monitor places of worship and the relationship between unregistered and registered churches is tense.

At the end of 1996, the Government reported that more than 70,000 places of worship had registered. During 1997 authorities continued the campaign to register all religious groups. Some groups registered voluntarily, some registered under pressure, while authorities refused to register others. Unofficial groups claim that authorities often refuse them registration without explanation. According to the Government, these refusals were mainly the result of inadequate meeting spaces. Many religious groups have been reluctant to comply with the regulations out of principled opposition to state control of religion or for fear of adverse consequences if they reveal, as required, the names and addresses of members and details about leadership activities, finances, and contacts in China or abroad. In April one of the largest house churches in Zhejiang agreed under persistent pressure to apply for registration on the condition that it would not be required to join the Three-Self Patriotic Movement or the Chinese Christian Council; however, provincial authorities judged that this condition was not in accord with government regulations, declared it illegal, and closed the church down.

The State Council's Religious Affairs Bureau is responsible for judging the legitimacy of religious activity. The Religious Affairs Bureau and the CCP United Front Work Department, staffed by officials who rarely are religious adherents, provide "guidance and supervision" over implementation of government regulations on religion and on the role of foreigners in religious activity.

The law does not prohibit religious believers from holding public office; however, Communist Party officials state that party membership and religious belief are incompatible. According to an April Hong Kong newspaper article, the Communist Party issued a circular in early 1997 ordering party members not to adhere to religious beliefs. In January 1995, the CCP circulated a document to party organizations at the provincial level ordering the expulsion of party members who belong to open or clandestine religious organizations. In November 1996, the People's Liberation Army Daily's report on military "spiritual civilization" stated that "it is necessary to conduct education in atheism so that they (the military) believe in science and oppose superstition. Participation in religious activities is forbidden." There is no available evidence indicating whether party or PLA military personnel were expelled under the 1995 or 1996 regulations. According to government officials, 20 to 25 percent of Communist Party officials engage in religious activities, an increase over estimates for 1995. Most officials who practice a religion are Buddhist or believe in a folk religion. Religious figures are included in national-level government organizations. For example, the National People's Congress (NPC) includes several religious figures, including Pagbalha Geleg Namgyai, a Tibetan "living Buddha," who is a vice-chairman of the Standing Committee of the NPC. Religious groups are also represented in the Chinese People's Political Consultative Conference, a forum for multiparty cooperation and consultation led by the CCP, which advises the Government on policy.

After forcefully suppressing all religious observances and closing all seminaries during the 1966-76 Cultural Revolution, the Government began in the late 1970's to restore or replace damaged or confiscated churches, temples, mosques, and monasteries and to allow the reopening of seminaries. Implementation of this policy has varied from locality to locality. According to a government white paper on religion issued during the year, there are 100 million religious adherents, more than 85,000 religious sites, over 3,000 religious organizations, 300,000 clergy and 74 religious schools and colleges. Official religious organizations administer local Bible schools, more than a dozen Catholic and Protestant seminaries, nine institutes to train imams and Islamic scholars, and institutes to train Buddhist

monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted some Catholic seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases funding for these training programs is provided by host country organizations. Unofficial churches, however, have significant problems training clergy or sending students to study overseas, and many clergy receive limited and inadequate preparation.

The authorities permit officially sanctioned religious organizations to maintain international contacts as long as these do not entail foreign control. What constitutes "control" is not defined. Regulations enacted in 1994 codified many existing rules involving foreigners, including a ban on proselytizing by foreigners, but allow foreign nationals to preach to foreigners, bring in religious materials for their own use, and preach to Chinese at churches, mosques, and temples at the invitation of registered religious organizations. Missionaries are currently teaching English on college campuses in China with minimum interference from authorities as long as their proselytizing is low key. In recent years, some local authorities have subjected worship services of alien residents to increased surveillance and restrictions. In one major city appointed Chinese clergy supervise worship services. In the northeast, however, ethnic Korean Catholics freely practice their faith.

During the year, there was a new level of openness to international dialog on religious issues. China invited an increasing number of foreign religious organizations to visit religious sites and talk to official religious leaders and figures. In July a delegation headed by the Director of the State Council Religious Affairs Bureau traveled abroad and met with foreign church officials and NGO's. In October President Jiang Zemin invited a delegation of foreign religious leaders to visit China in 1998. In October the State Council released a white paper on freedom of religious belief. The paper provided official information and statistics on religious practices and defended government policies but stated the premise that legal protection of citizens' rights should conform to relevant international documents and conventions. It was publicized widely inside and outside China.

Buddhists make up the largest body of religious believers. The Government estimates that there are more than 100 million Buddhists, most of whom are from the dominant Han ethnic group. It is, however, difficult to accurately estimate the number of Buddhists because Buddhists often practice their faith without participating in public ceremonies. The Government reports that there are 13,000 Buddhist temples and monasteries in China and more than 200,000 nuns and monks. Local governments strictly enforced regulations on places of worship, particularly illegally constructed Buddhist temples and shrines. According to an April Hong Kong newspaper article, the United Front Work Department ordered officials in all localities not to build temples and outdoor statues of Buddha for any reason. According to the article, an official survey found that more than 40,000 unauthorized Buddhist temples had been discovered in recent years. Some local authorities have called for the destruction of Buddhist places of worship, especially newly established sites. The city of Miluo in Hunan province, for example, boasted that in the first 4 months of the year, it dismantled 798 illegally erected temples and "converted" 31 others for other uses. Traditional syncretic folk religion (worship of local gods, heroes, and ancestors) which is the religion of 70 percent of the people, has been attacked as "feudal superstition" and thousands of religious shrines have been destroyed. Nonetheless, folk religion has revived in recent years, and is unofficially tolerated to varying degrees as a loose affiliate of Taoism or as an ethnic minority cultural practice. (A discussion of government restrictions on Tibetan Buddhism can be found in the Tibet addendum to this report.)

According to government figures, there are 18 million Muslims, 30,000 Islamic places of worship, and more than 40,000 imams. In some areas where ethnic unrest has occurred, officials continue to restrict the building of mosques and the religious education of youths under the age of 18. After a series of terrorist incidents in Xinjiang province, police cracked down on Muslim religious activity and places of worship. A number of extrajudicial killings were reported (see Section 1.a.). A January Xinjiang Daily article quoted a provincial official as stating that religion must be made to conform with socialism and that officials must "target separatism and illegal religious activity." Local authorities issued regulations further restricting religious activities and teaching. China permits Muslim citizens to make the hajj to Mecca. According to government statistics, more than 40,000 Chinese Muslims have made the pilgrimage in recent years. Muslim experts, however, state that the number is much higher. The

Government subsidized these visits in some cases.

The number of Christians in both official and unofficial churches continues to grow rapidly, particularly in rural areas. This has caused concern among government and Communist Party officials who perceive religious gatherings as a challenge to their authority, a threat to public order, and an alternative to Socialist thought. There was evidence that authorities in some areas, guided by national policy, made strong efforts to crack down on the activities of the unapproved Catholic and Protestant churches. The Government officially permits only those Christian churches affiliated with either the Catholic Patriotic Association or the (Protestant) Three Self Patriotic Movement to operate openly. The Government established both organizations in the 1950's to eliminate perceived foreign domination of local Christian groups.

In some areas cooperation between official and unofficial churches has expanded so as to blur the line between the two. In other areas, relations between the two churches are hostile. The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 4 million persons registered with the official Catholic Church. Precise figures are difficult to estimate because many Catholics, particularly in rural areas, attend both official and unofficial services. According to official figures, there are 4,000 Catholic clergy and over 4,600 churches and meeting houses. There is no Vatican representative in China. Bishops in the official Catholic Church are not ordained by Rome but many have an unofficially acknowledged "relationship with Rome." The Government maintains that there are between 10 and 15 million registered Protestants, 18,000 clergy, over 12,000 churches, and some 25,000 meeting places. Government officials have noted a rise in Protestant worshipers in the past year, but have not revised statistics to reflect this upward trend. According to foreign experts, perhaps 30 million persons worship privately in house churches that are independent of government control. One informed Chinese source has put the number at 50 to 60 million.

This increase in worshipers has resulted in a corresponding increase in the demand for Bibles. In 1997 the Government supervised the printing of more than 3 million Bibles, a small increase over 1996. A printing company funded by overseas Christian organizations also prints approximately 500,000 Bibles a year. Although Bibles can be purchased at some bookstores they are not readily available and cannot be ordered directly from publishing houses by individuals. However, they are available for purchase at many Chinese Christian Council-affiliated churches. Some underground Christians hesitate to buy Bibles at official churches because such transactions often involve receipts identifying the purchaser. Foreign experts confirm reports of chronic shortages of Bibles as well as logistical problems in disseminating Bibles to churches, especially churches in rural areas, but note that the situation has improved in recent years due to the increase in distribution channels, including to house churches.

Efforts to register unauthorized groups are being carried out by police and religious affairs officials concurrently with other law enforcement actions. Police closed many "underground" mosques, temples, and seminaries, and hundreds of Protestant "house church" groups, many with significant memberships, properties, financial resources, and networks. Police were particularly active during sensitive periods, such as in the aftermath of Deng Xiaoping's death in February and the reversion of Hong Kong in July. Many leaders of unauthorized groups were targets of harassment, interrogations, and detention (see Section 1.d.).

In some areas security authorities used bribes, threats, demolition of unregistered property, extortion of "fines," and interrogation to harass religious figures and followers. Implementing regulations, provincial work reports, and other government and party documents continue to exhort officials to vigorously enforce government policy regarding unregistered churches. Authorities particularly targeted unofficial religious groups in Beijing and the provinces of Henan, Anhui, Shanxi, and Zhejiang, where there are rapidly growing numbers of unregistered Protestants, and Hebei, a center of unregistered Catholics. In some cases, public security officials have used detention or arrest and reform-through-education sentences to enforce regulations. In March Henan police detained evangelist Xu Yongze and eight of his associates in an attempt to close down his church network. They were detained without charge and without access to family or counsel, and reportedly suffered beatings. In September Xu was sentenced to 10-years' reform through labor for disturbing public order. In October his wife and two of his associates were given administrative penalties of 1 to 2? years of reeducation through labor. The Government

responded to a foreign government's requests for information on Xu's case by stating that Xu had promoted a cult and violated the law by preaching that the apocalypse was near and asking worshipers to wail in public spaces for several consecutive days.

In Hebei, where perhaps half of China's Catholics reside, friction between unofficial Catholics and local authorities continued as police again prevented worshipers from making an annual spring pilgrimage to Donglu to visit a religious icon by erecting roadblocks and checkpoints. Harassment of unofficial Catholics continued in the Baoding area, near Beijing. During the year, Hebei authorities forced many underground priests and believers to make the choice of either joining the "patriotic" church or facing punishment such as fines, job loss, and, in some cases, barring children from school. In October the Cardinal Kung Foundation reported that Baoding Bishop Su Zhimin was placed under detention by local security officials after the closure of his unofficial seminary. Authorities asserted that Bishop Su had not been detained and is free. In December he was sighted in Shanghai with government authorities. There was no independent confirmation of his status at year's end.

In March Shanghai public security authorities broke into the home of Shanghai underground Catholic Church Bishop Joseph Fan Zhongliang and seized religious materials and currency. Prior to the incident Bishop Fan had been conducting mass for hundreds of underground followers in his apartment. Subsequently he continued services but for only 20 or so believers. Since the raid the police assigned an official to live across the hall from Fan and to monitor his activities. Police also harassed and detained several underground church lay people in the Shanghai area. In January local police in Jiangxi province detained unofficial Catholic worshipers near the township of Chongren, preventing perhaps 10,000 people from gathering for religious observances.

There has been an upsurge of apocalyptic teaching in orthodox as well as heterodox millennial sects as the year 2000 approaches. Such religious groups, which preach beliefs outside the bounds of officially approved doctrine, are being singled out for harassment. A Ningxia Daily account detailing the reasons for arresting three missionaries variously cited their membership in an "heretical" organization, attending an illegal gathering, preaching that Jesus can heal, and conducting activities that disrupted the public order. In 1997 police continued their efforts to close down an underground evangelical sect called the "Shouters," a branch of a pre-1949 indigenous Protestant group. The sect has been deemed an antigovernment, counterrevolutionary organization, and since the early 1980's, authorities repeatedly have detained, fined, and imprisoned its members. An indigenous offshoot of Buddhism, the Yi Guan Dao, which was banned in 1949, has become newly active in the 1990's. In a June press conference, the head of the Religious Affairs Bureau spoke of a "government crackdown on a small number of cults, which threaten the social and public interest."

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The effectiveness of the Government's identification card system, used to control and restrict the location of individual residences, continued to erode. Estimates of the "floating population" of economic migrants leaving their home areas to seek work elsewhere in the country range from tens of millions to over 100 million. This group comprises not only migrant workers, but also includes a growing number of middle-class professionals attracted to large cities by better paying jobs in their fields. This itinerant population enjoys increased economic opportunities but lacks official residence status, which provides full access to social services and education. Unless such persons obtain resident status they must pay a premium for these services.

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain inmates permission to return to their homes. Those inmates sentenced to more than 5 years in reeducation-through-labor camps may also lose their legal right to return home. For those assigned to camps far from their residences, this practice constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities have reportedly forced others to accept jobs in state enterprises where they can be more closely monitored after their release from prison or detention. Other released or paroled prisoners returned home but were not permitted freedom of movement. Chen Zuning, who was paroled on medical grounds in November 1996, remained confined to his home except for police-escorted visits to doctors.

Zhao Ziyang, a former senior party leader, remains under a form of house arrest. Bao Tong was released after being held under house arrest for 11 months at a government work unit. He and his family, however, were subsequently forced to vacate their government quarters, in an area where high-ranking Chinese officials lived, and move to a house in the Beijing suburbs. They remain closely monitored.

The Government routinely permits legal emigration and foreign travel for most citizens. Students and business travelers wishing to go abroad can obtain passports relatively easily. Permission for couples to travel abroad was sometimes conditioned on agreement to delay childbirth; noncompliance triggered fines for the couple or their work unit. The Government continued to use political attitudes as a criterion in selecting people for government-sponsored study abroad, but it did not control privately sponsored students, who constitute the majority of students studying abroad, in similar fashion. The Government continued efforts to attract persons who have studied overseas back to China. Official media have said that people who have joined foreign organizations hostile to China should quit them before returning home and refrain while abroad from activities that violate China's law.

During the year, the Government showed greater willingness to allow dissidents to leave the country. In July Tong Yi, the former secretary of Wei Jingsheng, was issued a passport and allowed to travel to New York, where she enrolled at Columbia University. Authorities also issued a passport and exit permit to dissident Chen Xiaoping. He is currently at Harvard University. Democracy activist Xu Shuiwang was also issued a passport in July. Shanghai dissident Bao Ge was granted a visa and exit permit and was allowed to leave China in October. Wei Jingsheng was granted a medical parole and was allowed to leave the country for medical treatment in November. By contrast, authorities confiscated the passport of film director Zhang Yuan, preventing him from traveling to the Cannes Film Festival for the screening of his film "East Palace West Palace." There were also instances when the authorities refused visas or entry on apparent political grounds. International observers reported that they had documents that substantiated claims that border control stations keep background records of certain citizens who were to be denied entry. Authorities have dismissed reports of blacklists as "sheer rumor." Perhaps the most prominent case of a dissident refused reentry is labor activist Han Dongfang, whose passport was revoked in 1993 because he allegedly engaged in activities hostile to China while overseas. He remains in Hong Kong. Han Xiaorong, the wife of Human Rights in China Chairman Liu Qing, was reportedly refused entry in March, and, in May, Hou Xiaotian was denied entry. Prodemocracy activists and politicians in Hong Kong, including leading members of the Democratic Party, were denied permission to travel to China. Foreign academics with contacts with China's dissident community have also been refused entry visas.

Since the late 1980's, China has adopted a de facto policy of tolerance toward the small number of persons--fewer than 100 annually--from other nations who have registered with the Beijing office of the United Nations High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to stay in China while the UNHCR makes determinations as to their status and--if the UNHCR determines that they are bona fide refugees--while they await resettlement in third countries. As yet China has no law or regulations that authorize the authorities to grant refugee status, but the Government is reportedly drafting working rules on granting such status.

The Government continued to accept the repatriation of Chinese citizens who had entered other countries or territories illegally. The authorities have accepted the return of would-be illegal emigrants to the United States, Hong Kong, and Australia, provided that their identity and willingness to return voluntarily can be verified.

China has worked successfully with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries, and it is using the UNHCR's good offices to negotiate an agreement with the Vietnamese to accept 9,000 persons seeking to repatriate to Vietnam. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. In recent years, very few such asylum seekers have found resettlement in China.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens lack the means to change their government legally and cannot freely choose or change the laws

and officials that govern them. Citizens vote directly for local nongovernmental village committees and party-reviewed candidates for delegate positions in county-level people's congresses. People's congress delegates at the provincial level, however, are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress (NPC). Although the CCP approves the candidates, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the NPC is the highest organ of state power. Formally it elects the President and Vice President, selects the Premier and vice premiers, and elects the Chairman of the State Central Military Commission. The NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the Politburo Standing Committee. At the 1997 session of the NPC, nearly 40 percent of the delegates--the largest negative vote ever--took the unusual step of voting against or abstaining on the Supreme People's Procuratorate work report. Thirty-two percent failed to endorse the work report of the Supreme People's Court. Most observers interpreted these votes, which expressed delegate unhappiness about the problems of crime and corruption, as reflecting the NPC's increased willingness in recent years to question the Government's performance. The NPC has not in practice demonstrated the power to set policy or remove government or party leaders.

The election and agenda of people's congresses at all levels remain under the firm control of the Communist Party, the paramount source of political authority. A number of small "democratic" parties that date from before the Communist takeover in 1949 play only a minor consultative role and pledge their allegiance to the Communist Party. The CCP retains a tight rein on political decisionmaking and forbids the creation of new political parties.

There has been continued growth, however, of democratic decisionmaking at the local village level. Under the 1987 Organic Law of the Village Committees, all of China's approximately 1 million villages are expected to hold competitive, direct elections for village committees. Both the Government and foreign observers estimate that more than 90 percent of these villages have participated in elections for local leaders. According to the Ministry of Civil Affairs, the majority of villages have carried out at least two rounds of elections. Foreign observers who have monitored local elections, including the Carter Center and the International Republican Institute, have judged the elections they observed, on the whole, to be fair. Although many villages have yet to hold truly competitive elections, the central Government continued efforts to expand the election process and make it more competitive and fair. Successful village committee elections have included campaigning by multiple candidates, platforms, and the use of secret ballots.

Candidates favored by local authorities have been defeated in some elections, although in general the party dominates the electoral process and most members of the village committees are party members. The final ballot is the culmination of an election process that includes government screening of candidates and an indirect vote that eliminates some candidates. Many local observers caution that the village election system is not necessarily a precursor for democracy at higher levels of government, and village elections--as currently practiced--are under tight political controls and do not threaten to undermine the implementation of unpopular central policies or endanger the leading role of the Communist Party. The elected committees are not statutorily part of the Government. The powers of elected village committees vary from region to region. Most committees have the authority to mediate disputes between villagers, improve public order, authorize small expenditures, and implement policies as directed by the indirectly elected representative committees. The village committees have no power to tax, set fines or punishments independently, or hire or fire village enterprise managers.

The Government places no restrictions on the participation of women or minority groups in the political process. Women freely exercise their right to vote in village committee elections, but only a small fraction of elected members are women. The Government and party organizations include approximately 12 million female officials. Women and ethnic minorities constitute 21 percent and 15 percent, respectively, of the National People's Congress. All of China's 56 nationalities are represented in the NPC membership. The 15th Party Congress elected 22 women and 38 members of ethnic minorities to serve on the Central Committee, both increases over that of the previous committee. Women and

minorities, however, still hold few positions of significant influence at the highest rungs of the party or government structure. There is currently one woman in the Politburo, and women hold 3 of 41 ministerial-level positions.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There are no independent domestic NGO's that publicly monitor or comment on human rights conditions, although the press has printed with increasing frequency stories of officials exceeding their authority and abusing citizens. The Government is reluctant to accept criticism of China's human rights situation by other nations or international organizations and criticizes reports by international human rights monitoring groups, maintaining that they are inaccurate and interfere with China's internal affairs.

The Government vigorously lobbied against a resolution on China's human rights record at the 1997 session of the U.N. Commission on Human Rights (UNHRC). As in previous years, the Chinese delegation introduced a preemptive motion to take no action on the resolution. China's motion was passed by the Commission, and there was no debate on the China human rights resolution. The Government retaliated against Denmark, which tabled the resolution, by canceling high-level visits between the two countries, and threatening other repercussions in Sino-Danish relations.

Since 1991 the Government has promoted limited academic study and discussion of concepts of human rights. In 1993 it formed the China Society for Human Rights Studies as a "nongovernmental organization." The organization's efforts have focused, however, largely on improving China's image abroad by improving its public relations handling of the human rights issue and responding directly to criticism of the Government's human rights record. The Society published a book that included eight white papers on human rights released by the State Council since 1991 as well as four commentaries on human rights conditions in the United States. Two of these white papers were issued in 1997. In March the State Council released a white paper entitled "Progress in China's Human Rights Cause in 1996," and in October a white paper on religion.

Officials no longer dismiss all discussion of human rights as interference in China's internal affairs. The Government showed increased willingness to discuss human rights with other nations. It has expanded the number of its bilateral human rights dialogs and in some instances taken the initiative by proposing meetings. Countries that started or resumed human rights dialogues with China included Great Britain, Australia, Norway, Brazil, Japan, and Canada. In September China and the European Union announced the resumption of their human rights forum, which had been suspended since 1996. Chinese officials met with Amnesty International in Norway in July. China has publicly acknowledged the universality of human rights and the Universal Declaration of Human Rights. However, they add that there are legitimate, differing approaches to human rights based on each country's particular history, social situation, and level of economic development. China hosted a 10-day visit in October of the U.N. Working Group on Arbitrary Detention. The group held discussions with senior officials at the Foreign and Justice Ministries and visited prisons, labor camps, and police detention centers, where its members were allowed to interview some prisoners without government officials present.

China reacted to the U.N. Educational, Scientific, and Cultural Organization's (UNESCO) decision to award the first UNESCO Guillermo Cano prize for world press freedom to jailed dissident and journalist Gao Yu by calling the prize "illegal" and threatening to withdraw from UNESCO. In September China denied accreditation to attend the World Bank meeting in Hong Kong to two international human rights organizations that had been critical of its human rights record.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

There are laws designed to protect women, children, the disabled, and minorities. In practice, however, societal discrimination based on ethnicity, gender, and disability persists. The concept of a largely homogeneous Chinese people pervades the thinking of the Han majority.

Violence against women can be grounds for prosecution under the law. Chinese sociologists note that there has been no detailed research on the extent of physical violence against women. Anecdotal evidence suggests, however, that reporting domestic abuse is on the rise, particularly in urban areas, because greater attention has been focused on the problem. Informal surveys by women's groups indicate that 20 percent of women may have been beaten by their husbands. Actual figures may be higher because spousal abuse still goes largely unreported. According to experts, the percentage of households in which domestic abuse has occurred is higher in rural areas than in urban centers.

In recognition of the seriousness of spousal abuse, some localities have taken measures to address the problem. There is, however, no national spousal abuse law. In October a national symposium on domestic violence was held in Beijing. While NGO's have taken action to increase awareness of domestic abuse, a severe shortage of funds has affected these efforts. In Shanghai a women's shelter was closed after 12 months because its funding ran out. In September a women's abuse hot line in Beijing ceased operating because its grant had elapsed. However, other projects that addressed domestic abuse were established. In Shenzhen a hot line was started to respond to calls from battered women. In Guangxi province, a radio station featured a call-in talk show that addressed women's issues, including domestic violence.

No statute outlaws sexual harassment in the workplace, a problem that is unaddressed in the legal system and often in society. Chinese experts state, however, that more women are raising their concerns about sexual harassment because of greater awareness of the problem. In May the head of the All China Women's Federation called on "Chinese government organizations at all levels" to further and more effectively protect women's rights. She also called on government units to eliminate gender preference in their hiring practices.

The increased commercialization of sex and related trafficking in women has trapped tens of thousands of women in a cycle of crime and exploitation. These women face a high risk of drug addiction, AIDS, and other sexually transmitted diseases. According to media reports, 80 percent of Beijing's massage parlors offer sexual services. In 1996 the Beijing municipal government announced a crackdown on massage parlors in the capital. The effect on the sex trade appeared marginal, however, as many of the massage parlors continued to operate or moved to areas within a short distance of the capital. The long-term effectiveness of any crackdown on this lucrative business, which involves organized crime groups and business people, as well as the police and military, is uncertain. Unsafe working conditions are rampant among the saunas, massage houses, and hostess bars that have sprung up in numbers in large cities. According to one source, police own and operate brothels employing some 70,000 prostitutes in one large area of Shanxi province.

The abduction of women is a serious problem. The Government continued to condemn and to take steps to prevent and punish the abduction and sale of women for marriage or prostitution. In April the Government acknowledged that the kidnaping and sale of women was a human rights abuse that warranted severe punishments for criminals involved with the trade. Amnesty International's August report on capital punishment in China cited numerous cases in which individuals received the death penalty for the crime of abducting women. Some research indicates that a key reason for the abduction and sale of women is a serious imbalance in sex ratios in certain localities (see Section 1.f.). This has created a situation in which the demand by men for marriageable women cannot be met by local brides. Some families address the problem by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished.

The authorities have enacted laws and conducted educational campaigns in an effort to eradicate the traditional preference for sons; however, this preference remains strong in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents by establishing or improving pensions and retirement homes.

Crime experts say that many of the kidnapings also occur in provinces, such as Sichuan and Guangxi, where the male to female ratio is generally balanced. The Government reported that some of its efforts to end the illegal trade were successful. In June the Government said that the number of women kidnaped in Sichuan province had declined for the past 2 years. Guangdong province reported that it had sentenced 79.6 percent of the criminals convicted of harming women to more than 5 years in prison.

The Constitution states that "women enjoy equal rights with men in all spheres of life," including ownership of property, inheritance rights, and access to education. In 1992 the NPC enacted legislation on the protection of the rights and interests of women, which was designed to assist in curbing gender-based discrimination. Women have continued, however, to report discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies.

Women are sometimes the unintended victims of economic reforms. The press reported that in 1997 59.2 percent of laid-off workers were women. Women between the ages of 35 and 50 were the most affected, and the least likely to be retrained. In addition, female employees were more likely to be chosen to take pay cuts when a plant or company was in financial trouble. In Sichuan where women are bearing the brunt of state-owned enterprise layoffs, women have played a key role in labor protests and disputes. Discriminatory hiring practices appear to be on the rise as unemployment rises. Increasingly, companies are permitted to discriminate by both sex and age, although such practices violate labor laws. A recent television broadcast of a job fair in Tianjin revealed repeated instances of job announcements stipulating that no women over age 30 should apply. Of the over 100 companies represented at the job fair, only 3 did not have such restrictions.

Many employers prefer to hire men to avoid the expense of maternity leave and child care, and some even lower the effective retirement age for female workers to 40 years of age. (The official retirement age for men is 60 years and for women 55 years.) Although the law promises equal pay for equal work, a 1990 survey found that women's salaries averaged 77 percent of men's. Although dated, these statistics still appear to be accurate. Most women employed in industry work in lower skilled and lower paid jobs.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small percentage of the population that receives a university-level education. In 1996 5 million students were enrolled in colleges and graduate schools. According to the State Education Commission, women made up 36.4 percent of these students. Educators in the large cities have reported, however, that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments women are beginning to outnumber men—even in some graduate schools. Women with advanced degrees, however, report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive.

In 1996 the Government outlined its 5-year Plan for the Advancement of Women. The main priority is to increase the literacy of rural women, 80 percent of whom are wholly or partially illiterate. Overall, women make up about 70 percent of illiterates in the country. The All China Women's Federation, the country's largest organization devoted to women's issues, stated that one goal of the plan was to decrease the number of female illiterates by 3 million every year. Some women's advocates, however, were skeptical that the goal could be realized because of a lack of resources.

#### Children

The 1992 Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. This law also prohibits discrimination against disabled minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution. The Constitution provides for 9 years of compulsory education for children (see Tibet addendum).

The extensive health care delivery system has led to improved child health and a sharp decline in infant mortality rates. According to 1997 official figures, the infant mortality rate was 33 per 1,000 in 1996. According to the U.N. Children's Fund (UNICEF), in 1995 China's mortality rate for children under 5 years of age was 47 per 1,000 live births.

There were credible reports of female infanticide. The use of ultrasound tests to determine gender has also resulted in decisions to terminate pregnancies of female fetuses, but no reliable statistics are available to demonstrate the extent of the problem. One newspaper article quoted a doctor as saying that as many as 97.5 percent of pregnancies terminated in his hospital were of female fetuses. A September World Health Organization paper reported that the national ratio of male to female births in 1994 was 117 to 100. (The worldwide statistical norm is 106 to 100.) Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls, but some foreign experts believe that a larger factor may be underreporting of female births by couples trying to evade family planning laws to try to have a son.

According to the latest available figures, compiled in 1994, the number of children abandoned in China each year is approximately 1.7 million, despite the fact that under the law child abandonment is punishable by fines and a 5-year prison term. The vast majority of those eventually admitted to Chinese orphanages are female or disabled and in poor health. Essentially all children put up for foreign adoption are girls. The treatment of children at these institutions varies from adequate to deplorable. There have been reports of children being restrained for long periods of time and being denied basic care and feeding. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be very high at many, especially among new arrivals.

According to several sources, orphanage workers in some facilities reserve basic medical care and even nutrition for children who are deemed to have the best chances for survival. Some sources report that children whose prospects of survival are determined to be poor are placed in rooms separate from other children and subjected to extreme neglect. Claims that government policies, as opposed to lack of resources, were to blame for the lack of care of children placed in orphanages could not be verified. Human Rights Watch reported in 1996, however, that many institutions, including those with the highest death rates, have budgets that provide for adequate wages, bonuses, and other personnel-related costs, but that budgets for children's food, clothing, and other necessities are low throughout the country.

The Government denies that children in orphanages are mistreated or refused medical care but acknowledges that the system is hard pressed to provide for those children who are admitted with serious medical problems. Perhaps recognizing the need for improvements, the Civil Affairs Ministry announced in April that the Government's top social welfare priority for 1997 would be to improve conditions in orphanages. Over \$30 million was reportedly allocated for this program. A government white paper on women and children issued in March stated that the central Government had spent \$25.7 million between 1990 and 1994 to improve "children's welfare institutions," the official term for orphanages. During the same period, local governments apparently allocated almost \$18 million to these institutions.

Despite government efforts to prevent kidnapping and the buying and selling of children, the problem persists in some rural areas.

#### People With Disabilities

In 1990 the Government adopted legislation protecting the rights of the country's approximately 60 million disabled persons. According to the official press, all local governments subsequently drafted specific measures to implement the law. The central Government reported in 1996 that, in the 3 preceding years, the NPC Standing Committee conducted nationwide inspections to verify compliance with the law; it "found that the handicapped generally received good services and help in both their dealings with officials and in public life." The press publicizes both the plight of the disabled and government efforts to assist them. A rehabilitation program launched in 1988 has reportedly treated 2.32 million people who suffer from cataracts, polio, or deafness. Beijing city's rehabilitation program was said to have trained 5,000 disabled people in 1997, of whom 1,000 were expected to obtain jobs within the year.

However, reality for the disabled lags far behind legal dictates. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems. The latest available statistics, compiled in

1993, show that approximately 50 percent of the disabled lack adequate food and clothing. The same figures show that 68 percent of the disabled are illiterate; 67 percent require family support; 49 percent are unemployed; only 6 percent of blind and deaf children enter school; and only 0.33 percent of mentally retarded children enter school.

Deng Pufang, son of the late paramount leader Deng Xiaoping, heads the China Welfare Fund for the Handicapped, the government organization tasked with assisting the disabled. In a June speech, Deng Pufang said that the Government had helped 600,000 disabled citizens solve their food and clothing problems in 1996. The Government reportedly spent some \$24 million in 1996 to carry out these poverty-relief measures. In May the official press noted that the Government's goal was to clothe and feed all of the country's disabled by the end of the century, as well as to provide rehabilitation services for 3 million disabled citizens, educate 80 percent of disabled children, and find jobs for 80 percent of disabled adults. The Government requires all state enterprises to hire a certain number of disabled workers, but authorities estimate that nearly half of all disabled persons are jobless. According to Beijing municipal authorities, however, 75 percent of the disabled population in the capital have jobs.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. This law mandates premarital and prenatal examination for genetic or contagious diseases, but it specifies that medically advised termination of pregnancy or sterilization requires the signed consent of the patients or their guardians.

Standards adopted in 1994 for making roads and buildings accessible to the disabled are subject to the 1990 Law on the Handicapped, which calls for their "gradual" implementation. Lax compliance with the law has resulted in only limited access to most buildings.

#### National/Racial/Ethnic Minorities

According to 1995 government statistics, the total population of the country's 55 ethnic minorities was 108.46 million, or 8.98 percent of the national population. Most minority groups reside in areas they have traditionally inhabited, many of which are mountainous or remote. The Government's policy on minorities calls for preferential treatment in marriage regulations, family planning, university admission, and employment. Programs provide low-interest loans, subsidies, and special development funds for minority areas. Minorities, in practice, are discriminated against.

Government development policies have helped improve minority living standards. Official figures state that the Government invested \$12.6 billion in infrastructure development for minority areas during the period 1991 to 1995. The ninth 5-Year Plan announced in March stated that the Government would raise this figure to \$27.8 billion for the period from 1996 to 2000. According to government statistics, between 1991 and 1996 the economies in minority regions grew by nearly 11 percent annually, surpassing the national average in each year. Real incomes in minority areas, especially for non-Han groups, however, remain well below those in other parts of the country. Many development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Uyghur majority of western Xinjiang. For example, there is some evidence that official poverty alleviation programs include the forced evacuation of persons from the poorest mountain areas. Plans to develop tourism in Xinjiang have also often focused on marketing and investment opportunities but paid little attention to how minority cultures and the environment might be adversely affected. Some projects, however, have been dropped for environmental reasons--for example, a proposal to build a railway around Lake Tianshi near Urumqi. Since 1949 central government and economic policy have resulted in a significant migration of Han Chinese to Xinjiang. In 1997 there were 8 million Uyghurs and 7 million Han in Xinjiang, up from 300,000 in 1949.

According to government statistics, 15.34 million minority students attended schools between 1994 and 1996. A March white paper stated that 98.16 percent of all school-age children in the Guangxi Zhuang Autonomous Region were enrolled in schools in 1996. In many areas with a significant population of minorities, there are two-track school systems using either Mandarin or the local minority language.

Students can choose to attend schools in either system. One acknowledged side effect of this policy, originally designed to protect and maintain minority cultures, has been reinforcement of a segregated education system. Under this divided education system, those graduating from minority schools are at a disadvantage in competing for jobs in government and business, which require good Chinese-language skills. These graduates must take Chinese-language instruction before attending universities and colleges (see Tibet addendum).

The Communist Party has an avowed policy of boosting minority representation in the Government and the party. In May the official press reported that there were 2.48 million minority officials in the Government. According to government statistics, there are 163,000 minority officials in the Inner Mongolia Autonomous Region. Minority officials constitute 23.3 percent of the region's total, exceeding the ratio of the minority population to Han Chinese in the region. Many members of minorities occupy local leadership positions, and a few have positions of influence at the national level. In most areas, however, ethnic minorities are shut out of positions of real political and decisionmaking power. In Xinjiang the job of county party secretary is typically reserved for Han Chinese, even in counties that are close to 100 percent Uyghur. Many minorities resent Han officials holding key positions in minority autonomous regions.

Tensions between ethnic Han citizens and Uyghurs in Xinjiang intensified. In February police dispersed a crowd of women in Yining city (see Section 1.a.). In response to the subsequent protests of this action, police allegedly ordered to use any means necessary to suppress the demonstrators killed at least 10, and perhaps as many as 70; many others were wounded or arrested.

According to some estimates, the migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uyghur ratio in the capital of Urumqi to shift from 20:80 to 80:20, contributing to Uyghur resentment. According to the 1990 census, the ethnic Uyghur population was nearly 50 percent of Xinjiang's total population. Han control of the region's political and economic institutions has also been a factor in the growth of tension. The testing of nuclear weapons in Xinjiang in past years is another source of tension because of health concerns and environmental degradation. There has been no testing of nuclear weapons in Xinjiang since July 1996, after which China signed the Comprehensive Test Ban Treaty. Although government policies have brought tangible economic improvements, Uyghurs maintain that they receive only a small share of the benefits. The majority of Uyghurs are poor farmers and 25 percent are illiterate. A campaign to stress ethnic unity and to condemn "splitism" and religious extremism began in April. This campaign pervades the Chinese-language media and reaches into the province's 1,500 schools. Authorities maintained tight control over separatist activities, announced tightened security and antiterrorist measures, and several campaigns to crack down on opposition during the year.

The educational system provides Chinese for Han students and the Uyghur language for Uyghur students until fourth grade and then gradually switches to Chinese as the principal language of instruction. Graduation from the Uyghur school system leaves Uyghurs poorly educated, with an inadequate command of the Chinese language. Possession of separatist publications is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. A Uyghur-language press exists in Xinjiang, but it has a very small circulation, and much of the population depends on international broadcasts for information. In general, central authorities made it clear that they do not tolerate opposition to Communist Party rule and responded to unrest and terrorist incidents with force and heightened security measures.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The Constitution provides for "freedom of association," but qualifying language makes it clear that this right is subject to the interests of the State and the leadership of the Communist Party. The country's sole officially recognized workers' organization, the All China Federation of Trade Unions (ACFTU), is controlled by the Communist Party. Independent trade unions are illegal. The 1993 Trade Union Law required that the establishment of unions at any level be submitted to a higher level trade union

organization for approval. The ACFTU, the highest level organization, has not approved the establishment of independent unions. There were more attempts to form or register independent unions in 1997 but none was successful. Under China's planned economy, the ACFTU's main task was to improve labor discipline, mobilize workers to achieve party and government objectives, and to dispense social welfare funds. As increased efforts to reform state-owned enterprises have resulted in greater unemployment, the ACFTU has more actively begun to represent workers and defend their rights. In May the ACFTU publicly called upon the Government to devote greater resources to unemployment insurance funds and reemployment projects.

The ACFTU's primary attention remains focused on workers in the state sector, where it has over 90 million members. The Trade Union Law mandates that workers may decide whether to join the union in their enterprises. By official estimate, approximately 8 percent of workers in collective and state-owned enterprises have chosen not to join. There have been no reports of repercussions for workers who have not joined ACFTU unions. In 1994 the ACFTU actively began recruiting workers in the private sector, including in township and village enterprises (TVE's), as well as in foreign joint ventures. According to official statistics reported in mid-1996, 4.54 million workers in enterprises with foreign investment, 75 percent of the total, were trade union members.

Despite these recruiting efforts, over half of the nonagricultural work force is still largely unorganized and outside the state industrial structure. In TVE's, one of the fastest growing sectors of the economy, only a tiny percentage of workers are organized in ACFTU affiliates. Although some TVE's have local branches of the ACFTU, most TVE managers maintain that an ACFTU presence is not feasible because their employees continue to be classified as "farmers" rather than "workers." Some Communist Party secretaries in TVE's, however, take it upon themselves to establish union representation and then affiliate with the ACFTU.

Credible reports indicate that the Government has attempted to stamp out illegal union activity. Li Bifeng, a veteran Sichuan dissident, is reportedly in hiding after sending a letter to local authorities protesting the ban on three-wheel motorized taxi cabs in Dujiangyan. Labor activist Liu Nianchun, who was detained in 1994 and 1995, was sentenced to 3 years of reeducation through labor in 1996. Labor rights activists Li Wenming and Guo Baosheng, after each spending over 3 years in prison, were both sentenced on May 30 to 3? years in prison for subversion. Both were released late in the year upon completion of their terms.

In October China signed the International Convention on Economic, Social and Cultural Rights. This Convention, which has not yet been ratified by the NPC, provides for the right to form independent unions, to strike, and to demonstrate. Since the signing of this convention, a group of Chinese activists has started a campaign to promote independent labor unions. In December labor activists Qin Yongmin and Xu Wenli publicly issued a prounion letter calling on state workers to form independent unions. Authorities encouraged Qin Yongmin to depart China, but he refused to do so.

Beginning in 1993, the Ministry of Labor stopped officially denying the existence of strikes. Strikes still are not officially sanctioned, and accurate statistics on strike incidents are not available. There have been numerous reports from both foreign and Chinese sources that, despite the ban, there has been an increase in the number of work stoppages. In the spring, workers in the port of Dalian staged a slowdown to protest a reduction in the number of workers. There were other incidents in which workers held sanctioned, brief, and orderly demonstrations in the northeast. In the southwest there was a series of strikes, including a large protest in Mianyang, Sichuan province. Estimates of the number of people reportedly arrested following this incident ranged from several hundred to several thousand. More than 500 laid-off workers demonstrated in front of Dujiangyan city's government building in late August. According to a Sichuan provincial spokesman, "there were several waves of demonstrations in Chengdu (the capital of Sichuan) on September 2." In Nanhai, Guangdong province, approximately 300 workers staged a sit-in to demand back wages. These demonstrations and strikes were directed at specific enterprises or local governments and did not target the central Government or national economic policies.

The Trade Union Law assigns unions the role of mediators or go-betweens with management in cases of

work stoppages or slowdowns. In addition, a workers' dispute settlement procedure, in effect since 1987, provides for mediation, two levels of arbitration committees, and a final appeal to the courts. The Ministry of Labor has established a nationwide organizational network for handling labor disputes, consisting of 270,000 enterprise labor dispute mediation commissions and 3,159 labor dispute arbitration commissions. There are 1,569,000 full- and part-time enterprise mediators and more than 17,000 labor arbitrators. The Ministry of Labor stated in July that the country is in a period of frequent labor disputes. The Ministry said that in 1996 it dealt with about 196,700 cases of infringements of the labor law, an increase of 264 percent over 1995. Employees were reportedly paid over \$160 million in back wages. According to Ministry of Labor officials, the majority of arbitration cases are filed by contract workers or their employers.

There are no provisions allowing for individual workers or unofficial worker organizations to affiliate with international bodies. The ACFTU, however, has actively tried to foster relations with other international trade unions, the International Confederation of Free Trade Unions (ICFTU) in particular. In September a delegation of ICFTU members traveled to Beijing to meet with ACFTU officials.

#### b. The Right to Organize and Bargain Collectively

The 1995 National Labor Law permits collective bargaining for workers in all types of enterprises. The law also provides for workers and employers at all types of enterprises to sign individual as well as collective contracts. Collective contracts are to be worked out between ACFTU or worker representatives and management and specify such matters as working conditions, wage distribution, and hours of work. Individual contracts are then to be drawn up in line with the terms of the collective contract. Collective contracts must be submitted to local government authorities for approval within 15 days. According to an official report, 96 percent of urban state-sector workers had signed contracts by the end of 1996.

According to union and labor officials, there have been only a few experiments in collective bargaining. Official sources have explained that sufficient ideological and practical difficulties remain to preclude drawing clear distinctions between labor and capital in the state-owned enterprise sector. In September the Ministry of Personnel launched a program to train its supervisors in collective bargaining techniques.

The Ministry of Labor sets a total wage bill for each collective and state-owned enterprise according to four criteria: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) as a state-set amount for money-losing enterprises, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among workers, a decision usually made by the enterprise manager in consultation with the enterprise party chief and the ACFTU representative. In practice, however only a small number of workers with high technical skills can negotiate effectively on salary and fringe benefits.

Worker congresses are held once or twice a year in all unionized enterprises. They are attended either by all enterprise employees or their representatives, who discuss union plans, the enterprise budget, factory management, and the distribution of benefits. Since 1989 union leaders have attempted to make worker congresses more responsive to the basic welfare concerns of ordinary workers and reduced the emphasis on purely ideological concerns. In spite of the renewed emphasis on party control over the unions in the post-Tiananmen period, worker congresses have maintained some enhanced powers, most notably the right to examine and discuss bread-and-butter issues affecting the enterprise, including the distribution of benefits, salary reform, and the right to remove incompetent managers.

The use of these rights varies widely, however. Many worker congresses continue to act largely as rubber stamps for deals hammered out by the manager, union representative, and the party secretary. In smaller enterprises it is not unusual to find these three posts held by the same person. The Trade Union Law prohibits antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Unionized foreign businesses generally report pragmatic relations with ACFTU representatives.

Laws governing working conditions in special economic zones (SEZ's) are not significantly different

from those in the rest of the country. Wages in the SEZ's, however, and in southeastern China generally, are significantly higher than in other parts of the country because high investment has created a great demand for available labor. As in other areas of the country, officials admit that some foreign investors in SEZ's are able to negotiate "sweetheart" deals with local partners that effectively bypass labor regulations.

#### c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced and bonded labor by children and enforces the prohibition effectively.

Some penal facilities contract with regular industries for prisoners to perform light manufacturing and assembly work. In 1991 the Government published a reiteration of its regulations barring the export of prison-made goods.

In 1992 the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in prison labor products. A statement of cooperation (SOC) detailing specific working procedures for implementation of the MOU was signed in 1994. Although the signing of the SOC initially helped to foster a more productive relationship with the authorities, cooperation has been limited in the past few years. U.S. Customs has formally requested to visit 20 sites suspected of exporting forced labor products to the United States. The Government has granted permission to visit 13 of the sites. There were repeated delays in arranging site visits during most of 1997. In a positive development in November the Government granted permission to visit two more facilities.

In addition to prisons and reform-through-labor facilities, which hold inmates sentenced through judicial procedures, the Government also maintains a network of reeducation-through-labor camps, where inmates are sentenced through nonjudicial procedures (see Section 1.e.). Inmates of reeducation-through-labor facilities are generally required to work, but the authorities assert that the facilities are not prisons and have denied access to them under the 1992 prison labor MOU with the United States. Reports from international human rights organizations and the foreign press indicate that at least some persons in pretrial detention are also required to work.

Most anecdotal reports conclude that work conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the penal systems farms and in mines can be very harsh. As in many Chinese work places, safety is a low priority. There are no available figures for deaths and injuries in prison industries.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The National Labor Law specifies that "no employing unit shall be allowed to recruit juveniles under the age of 16," 2 years older than the International Labor Organization (ILO) standard of 14 for developing countries. Administrative review, fines, and revocation of business licenses of those businesses that hire minors are specified in the Labor Law. The law also provides for children to receive 9 years of compulsory education and to receive their subsistence from parents or guardians. Laborers between the ages of 16 and 18 are referred to as "juvenile workers," and are prohibited from engaging in certain forms of physical work, including labor in mines.

Neither the ILO nor UNICEF believe that there is a significant child labor problem in China. Good public awareness, a cheap, abundant supply of legal young adult workers, nearly universal primary schooling, and labor law enforcement all serve to reduce opportunities and incentives to hire child workers. Given this ample supply of adult laborers, most employers in China choose not to risk fines and possible arrest by hiring underage workers. Furthermore, many foreign businesses in China's more developed areas follow codes of conduct that set standards for labor conditions and provide for independent inspections.

The Government prohibits forced and bonded labor by children and enforces the prohibition effectively (see Section 6.c.).

The Ministry of Labor is responsible for the enforcement of labor-related regulations. The Labor Law mandates the establishment of labor inspection corps at all administrative levels above county government. The rapid growth of the nonstate sector, however, has outpaced the evolution of government regulatory structures and resulted in inadequate labor inspection and enforcement regimes. In poorer, isolated areas, child labor in agriculture is widespread, given the few employment options available to minors who have completed their primary school education at approximately 13 years of age. Rising dropout rates at secondary schools in some provinces and anecdotal reports suggest that children may increasingly be entering unregulated sectors of the economy.

#### e. Acceptable Conditions of Work

The Labor Law codifies many of the general principles of labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. There is no national minimum wage. Rather, the Labor Law allows local governments to determine their own standards on minimum wages. In general, minimum wage level determinations are higher than the local poverty relief ceiling but lower than the current wage level of the average worker.

In December the monthly minimum wage in Beijing, set in December 1996, remained \$32.50 (270 rmb). In the Shenzhen and Zhuhai SEZ's in south China, the monthly minimum wage was approximately \$29 (240 rmb). For other parts of Guangdong province, the minimum monthly wage was \$39 (320 rmb). In November the Government instructed all provinces to develop a minimum wage rate. These rates vary from province to province. For example, the monthly minimum wage rate in Hebei province is \$17 (140 rmb) in urban areas and \$12 (100 rmb) in rural regions. In contrast, Jiangsu province wage rate is \$34 (280 rmb) for urban areas and \$25 (210 rmb) for all rural regions. Although these wage levels may be slightly higher than average living expenditures according to some official statistics, they would provide only a very basic standard of living for a worker and family. Minimum wage figures do not, however, include free or heavily subsidized benefits that some state-sector employers may provide in kind, such as housing, medical care, and education. In poor rural areas, monthly minimum wage levels are as low as \$12. Official government estimates put the number of people living in absolute poverty at 58 million; World Bank estimates range as high as 350 million.

The Government reduced the national standard workweek in 1995 from 44 hours to 40 hours, excluding overtime. The Labor Law mandates a 24-hour rest period weekly and does not allow overtime work in excess of 3 hours a day or 36 hours a month. It also sets forth a required scale of remuneration for overtime work. Enforcement of regulations governing overtime work varies according to region and type of enterprise.

Occupational health and safety are constant themes of posters and campaigns. Every work unit must designate a health and safety officer, and the ILO has established a training program for these officials. Although the Constitution does not provide for the right to strike, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and participate in accident investigations. It is unclear, however, to what extent workers can actually remove themselves from such dangerous situations without risking loss of employment.

Pressures for increased output, lack of financial resources to maintain equipment, lack of concern by management, and workers' traditionally poor understanding of safety issues have contributed to a continuing high rate of accidents. In 1996 according to Ministry of Labor statistics, the number of industrial accidents dropped. Total accidents stood at 18,181, 13.5 percent less than in 1995, with total fatalities at 17,231, a 13.9 percent drop from 1995. Of these, 9,974 occurred as a result of mine accidents. According to the Ministry of Public Health, over 75 million workers are at risk from occupational respiratory diseases such as pneumoconiosis due to poor working conditions. Less than half of rural enterprises meet national dust and poison standards. Many factories using harmful products, such as asbestos, fail not only to protect their workers against the ill effects of such products, but also to inform them about the potential hazards.

Poor enforcement by local officials of occupational safety and health regulations continues to put

workers' lives at risk. Work safety issues have, however, attracted the attention of senior government leaders. In 1997 the Ministry of Labor was close to completion of new national occupational safety and health legislation. The Ministry of Labor has been working with the ILO and others to improve safety and inspection procedures.

## TIBET

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103-236. The United States recognizes the Tibet Autonomous Region--hereinafter referred to as "Tibet"--to be part of the People's Republic of China. Preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

### Respect for the Integrity of the Person

The Chinese Government strictly controls access to and information about Tibet. Thus, it is difficult to determine accurately the scope of human rights abuses. However, according to credible reports, Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and long detention of Tibetan nationalists for peacefully expressing their political views. Tight controls on religion and on other fundamental freedoms continued and in some cases intensified.

The authorities permit many traditional religious practices, and public manifestations of belief. Those activities viewed as vehicles for political dissent, however, are not tolerated and are promptly and forcibly suppressed. Individuals accused of political activism faced serious persecution during the year, as the Government proceeded with its largely unsuccessful campaign to discredit the Dalai Lama as a religious leader and limit the power of religious persons and secular leaders sympathetic to him. The campaign was carried out under the slogan "Buddhism must conform to Socialism and not Socialism to Buddhism." Efforts to reeducate monks and nuns continued as part of the campaign. The ban on photographs of the Dalai Lama continued. There were reports of imprisonment and abuse or torture of monks and nuns accused of political activism, as well as the closure of several monasteries.

The authorities in Tibet were concerned about potential violence and demonstrations at the time of the Hong Kong reversion in July, and security restrictions were increased then on both internal and external travel. There was, however, no unrest in Tibet during the reversion and there were no confirmed reports of bombings or other political violence in Tibet in 1997. Foreigners, including international NGO personnel, experienced increased restrictions on access to Tibet that began mid-1997 and, in some cases, continued until the end of the year.

Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation. Lack of independent access to prisoners or prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners. Nonetheless, there are many credible reports that prisoners are tortured, beaten, and otherwise mistreated. In October Physicians for Human Rights published a report based on 1996 interviews with 258 Tibetan refugees living in India. According to the report, 38 of those interviewed stated that they personally had been subjected to beatings, electric shocks, suspension in painful positions, and other forms of torture or abuse.

Several foreign delegations visited Tibetan prisons. In April an official Norwegian delegation visited Tibet to discuss human rights issues and was allowed to visit Drapchi prison in Lhasa. The delegation met with ordinary prisoners, but was not given access to political prisoners. In August a delegation from Switzerland also visited Drapchi prison. In September seven German parliamentarians from the Bundestag Subcommittee for Human Rights and Humanitarian Aid also made a prison visit. In October the U.N. Working Group on Arbitrary Detention visited Drapchi prison, where group members were allowed to interview certain prisoners without the presence of Chinese officials.

Ngawang Choephel, the 29-year-old Tibetan ethnomusicologist who was sentenced to 18 years in prison

on charges of "espionage" in late 1996, had his appeal denied in February and remains at an undisclosed prison. In April the former abbot of the Tashilhunpo monastery, Chadrel Rinpoche, was sentenced to 6 years in prison after a trial that was closed to the public. The 58-year-old Abbot was arrested in 1995 for communicating with the Dalai Lama over the search for the reincarnation of the Panchen Lama, Tibet's second highest religious leader. There was no official information about Chadrel Rinpoche between his arrest and sentencing. Two other Tibetans were sentenced along with Chadrel Rinpoche for "colluding with separatist forces abroad" and "seriously jeopardizing national unification and the unity of ethnic groups." An assistant, Champa Chung, was sentenced to 5 years' imprisonment, and a third defendant, Samdrup, received 2 years' imprisonment. According to credible reports, Chadrel Rinpoche has been held in a secret compound of a Sichuan prison where he has been separated from other prisoners, denied all outside contacts, and restricted to his cell.

According to Western press reports, two Tibetans--Shol Dawa and Topgyal--were sentenced to 9 and 6 years in prison, respectively, for compiling a list of current and released political prisoners that they planned to send abroad. In September 132 prisoners--including some jailed for political offenses--were granted court-ordered prison term reductions or parole after showing evidence of reform and good behavior.

According to a May work report presented by Bai Zhao, president of Tibet's Higher People's Court, in 1996 the courts handled 47 cases involving 98 persons charged with crimes that "endanger national security."

Family planning remains an important goal for the authorities in Tibet, but family planning policies are applied more leniently to ethnic Tibetans, and ethnic Tibetans continue to be allowed to have more children than Han Chinese.

#### **Freedom of Religion**

The Government allows a number of forms of religious activity in Tibet. It does not tolerate religious manifestations that advocate Tibetan independence or any expression of "splitism." At a September news conference, a Tibetan government official compared Chinese actions in Tibet to foreign governments' responses to cult activity. The Government condemns the Dalai Lama's political activities and leadership of a government-in-exile. The official press intensified rhetoric against him and repeatedly described him as a "criminal" determined to split China in an attempt to undermine the credibility of his religious authority. Officials insist that dialogue with the Dalai Lama is essentially impossible and claim that his actions belie his repeated public assurances that he does not advocate independence for Tibet.

Most Tibetans practice Buddhism to some degree. This holds true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 religious figures hold positions in local people's congresses and committees of the Chinese People's Political Consultative Conference. To bolster loyalty to the party, the Government stepped up efforts to ensure that party cadres in Tibet, over 70 percent of whom are ethnic Tibetans, adhere to the party's code of atheism.

Buddhist monasteries and proindependence activism are closely associated in Tibet. Throughout the year, the Government expanded the patriotic education campaigns begun in 1996 in three monasteries to include monasteries throughout the Tibet Autonomous Region. The campaigns, which have been largely unsuccessful in changing Tibetans' attitudes, are aimed at controlling the monasteries and expelling sympathizers of Tibetan independence and supporters of the Dalai Lama. According to the Dalai Lama, monks are required to be "patriotic" and sign a declaration agreeing to reject independence for Tibet; reject the boy selected by the Dalai Lama as the 11<sup>th</sup> reincarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and not listen to the Voice of America. According to credible reports, monks who refused to sign were expelled from their monasteries and were not permitted to return home to work. By the end of the year, portraits of the Panchen Lama selected by Beijing were on prominent display in monasteries, as were sets of rules governing religious activity. Resistance to the campaigns was intense, and the Government's efforts were deeply resented both by monks and by lay Buddhists, some of whom fled Tibet. According to a May

NGO report, officials were reassessing the campaign because the harsh tactics and penalties employed were backfiring. Approximately 3,000 Tibetans enter Nepal each year to escape conditions in Tibet, according to the U.N. High Commissioner for Refugees.

Chinese officials state that Tibet has more than 46,300 Buddhist monks and nuns and approximately 1,780 monasteries, temples, and religious sites, and some travelers to Tibet have reported seeing increased numbers of monks and nuns. The Government, however, has moved to curb the proliferation of Tibetan Buddhist monasteries, which are seen as a drain on local resources and a conduit for political infiltration by the Tibetan exile community. The Government states that it strictly enforces limits on the number of monks in major monasteries. Following disturbances in Ganden in May 1996, and the subsequent campaigns, the number of monks there reportedly decreased from 700 to 500.

The Government continues to oversee the daily operations of major monasteries. Although the Government generally contributes only a small percentage of the monasteries' operational funds, it retains management control of the monasteries through the government-controlled democratic management committees and the local religious affairs bureaus. In April 1996 regulations restricted leadership of management committees of temples to "patriotic and devoted" monks and nuns. Continued antigovernment sentiment indicated, however, that these government efforts were largely unsuccessful.

The Government continued to insist that the boy it selected and enthroned in 1995 is the Panchen Lama's 11th reincarnation. The boy appeared publicly in Beijing in August to preside over Tibetan Buddhist rites marking the 10th anniversary of the founding of the China Advanced Tibetan Buddhism College. At all other times he was held incommunicado by Chinese authorities. Meanwhile, the Government also continued to detain the boy selected by the Dalai Lama as the Panchen Lama's reincarnation. The boy's family was also detained. The Government refused to provide access to either of the boys or their families, whose exact locations were unknown. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy the Government selected as the reincarnation of the Panchen Lama. There is widespread sentiment in Tibet in favor of the boy selected by the Dalai Lama. The party also urged its members to support the "official" Panchen Lama, and the Shigatse city; Communist Party Committee's Propaganda Department had pictures of the boy printed for use in public and private religious displays.

The Government continued to restore Buddhist sites, many of which were destroyed during the Cultural Revolution. The Government has contributed significant sums towards these restoration efforts, in part to promote the development of tourism in Tibet. The monasteries continue to house and train young monks, making possible the transmission of Tibetan Buddhist traditions to future generations. Although by law monks are prohibited from joining a monastery prior to the age of 16, many younger boys in fact enter monastic life.

In December the International Commission of Jurists, a nongovernmental organization, issued a report that criticized the Government's repression of religious freedom in Tibet.

#### Economic Development and Protection of Cultural Heritage

Tibetans receive preferential treatment in marriage and family planning policies, as do China's 54 other minority ethnic groups. However, discrimination against Tibetans is widespread, especially in the area of employment.

The central Government and other provinces of China heavily subsidize the Tibetan economy, which has grown by an average annual rate of 10.5 percent during 1989-1996. Over 90 percent of Tibet's budget income comes from outside sources. Tibet also benefits from a wide variety of favorable economic and tax policies. These policies, however, have attracted growing numbers of ethnic Han and Hui immigrants from other parts of China, that are competing with--and in some cases displacing--Tibetan enterprises and labor. Overall, government development policies have helped raise the economic living standards of many ethnic Tibetans but many benefits of development accrue to Han Chinese. Rapid growth, the expanding tourism industry, and introduction of more modern cultural influences have also disrupted traditional living patterns and customs, causing environmental problems and threatening

traditional Tibetan culture.

Illiteracy levels are high. The current rate for all Tibetans is approximately 40 percent, and in some areas it reaches 80 percent. Chinese officials have over the past few years downgraded the use of Tibetan in education. Primary schools at the village level teach in Tibetan, but these schools usually have only two or three grades. Approximately 70 percent of eligible children attend primary school, but most pupils end their formal education after graduating from village schools. The Government recently announced that it would abandon efforts to keep elementary education entirely in Tibetan and begin teaching Chinese to Tibetan children starting in the first grade. The Government stated that this step was taken in order to make Tibetan children more competitive with their Han counterparts, and provide more educational and employment opportunities in the long run. According to local education officials, Tibetan is the main language of instruction in middle schools, although there are special classes offering instruction in Chinese. Most, but not all, of the students in these Chinese classes are ethnic Han. Experimental Tibetan middle schools, which had been established in the 1980's, and were reportedly successful, closed down. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is necessary to receive a higher education.

Tibet University is a small university with 1,300 students established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent disproportionate Han representation in the student body and faculty. Tibetans constitute approximately 95 percent of the population, but only 80 percent of Tibet University's student body, and 30 percent of all university faculty in the Tibet Autonomous Region. Although Tibetans are given admission preferences, Han Chinese students frequently gain admission because they score higher on admission exams due to stronger Chinese language skills and educational backgrounds. Authorities reportedly require professors, particularly those from Tibet University's Tibetan Language Department, which is viewed as a potential source of dissent, to attend political education sessions and limit course studies and materials in an effort to prevent "separatist" political and religious activity on campus. Some ancient texts are banned for political reasons.

The Dalai Lama and Tibetan experts have expressed concern that development projects and other central government policies adopted at a 1994 work conference in Tibet encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting Tibetan demographic dominance. In recent years, in Lhasa and other urban areas, freer movement of people throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet, have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese). An increased number of immigrants from China's large transient population seek to take advantage of these new economic opportunities. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui citizens (mostly restaurants and retail shops) are becoming more numerous in almost all Tibetan towns and cities. In Lhasa between one-third and one-half of the population is Han Chinese; elsewhere, the Han percentage of the population is significantly lower. In rural areas, the Han presence is often negligible. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remainder. This figure, however, does not include the large number of "temporary" Han residents including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years.

China's economic development policies, fueled in Tibet by central government subsidies, are modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.